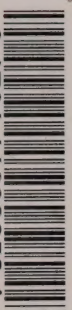


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Multiculturalism and  
Citizenship Canada

Multiculturalisme et  
Citoyenneté Canada

176  
Publication



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# Convention on the Elimination of All Forms of Discrimination against Women

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**Third Report of Canada**

covering the period  
January 1, 1987 to  
December 31, 1990

Canada



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## FOREWORD

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This report was prepared under the terms of the Convention on the Elimination of All Forms of Discrimination against Women.

The report is the result of close collaboration between the Government of Canada and the governments of the provinces and territories. Within each jurisdiction, many departments and agencies contributed to the preparation of the report, in particular the offices responsible for the status of women.

The report is published in Canada so that it can be made available to interested groups and individuals. Through its publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Convention and to broaden their understanding of the obligations contracted by Canada through its ratification of this important international treaty.

Copies of the report, in Canada's two official languages, can be obtained from the Communications Branch or the Human Rights Directorate of the Department of Multiculturalism and Citizenship in Ottawa, or at any regional office of that Department.

Human Rights Directorate  
Multiculturalism and Citizenship Canada  
Ottawa, Canada  
K1A 1K5

### Acknowledgement

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August 1992





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\* Geographical order, from east to west.





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## INTRODUCTION

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1. Canada ratified the *Convention on the Elimination of All Forms of Discrimination against Women* on December 10, 1981, and submitted its initial report in June 1983 and its second report in January 1988. This report is the third submitted by Canada under the Convention. The main period covered is from January 1987 to December 1990.

2. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan), and two territories (the Northwest Territories and the Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, the implementation of the treaties requires the active participation of the governments which have jurisdiction over the subject matters covered. In Canada, the responsibility for the subject matters covered by the *Convention on the Elimination of All Forms of Discrimination against Women* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.

3. This third periodic report is composed of three parts. Part I contains a statistical overview. Part II contains a review of the jurisprudence applicable to the Convention. Part III contains a review of measures adopted by the federal, provincial, and territorial governments as prepared by these respective governments. The report follows, in as much as possible, the guidelines issued by the Committee on the Elimination of Discrimination against Women.



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## PART I: STATISTICAL OVERVIEW

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### Introduction

4. The guidelines issued by the Committee on the Elimination of Discrimination against Women request States Parties to submit data that reflect the actual realities and general conditions that exist in the country (heading 5). A statistical overview was inserted in Canada's second report under the Convention to illustrate some aspects of Canada's situation. The present statistical overview and the figures and tables that accompany it are also provided to meet the Committee's request. As was the case for the second report, four categories of indicators were selected, i.e. social characteristics, education, economic characteristics, and public life. Although some data are new, in general the same type of data have been retained to allow for comparisons between the two reports.

#### I. Social characteristics

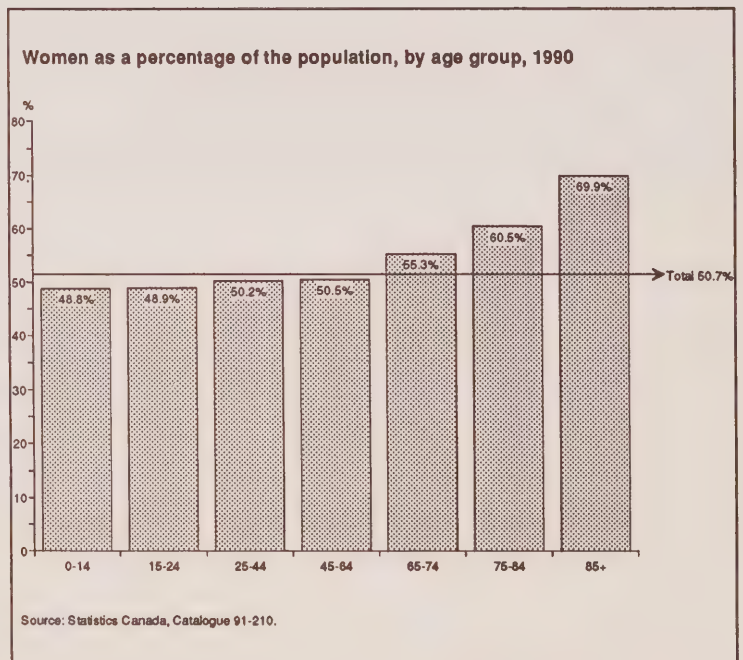
##### (a) Population

5. Women continue to constitute a slight majority of the Canadian population. In 1990, 50.7 percent of all Canadians were female, up from 50.4 percent in 1981. Between 1981 and 1990, the number of women in Canada rose 9.8 percent from 12.3 million to 13.5 million. During the same period, the number of men rose 8.6 percent.

6. Women's representation is especially high in older age groups. In 1990, women accounted for 55.3 percent of all 65-74-year-olds, 60.5 percent of those aged 75-84, and 69.9 percent of people over the age of 85.

7. On the other hand, females make up smaller shares of younger age groups. In fact, just under 49 percent of both children aged 0-14 and people aged 15-24 were female. Women accounted for 50.2 percent of the population aged 25-44 and 50.5 percent of those aged 45-64.

8. Substantial proportions of women in Canada are immigrants and members of visible minority groups. In 1986, immigrants made up close to 16 percent of the female population. Just over 6 percent of women were identified as members of visible minorities, while close to 3



percent had aboriginal origins. These percentages were similar to the corresponding figures for men.

(b) Family status

9. The majority of Canadian women live in some type of family setting. In 1986, 81 percent of all women aged 15 and over lived in families: 59 percent were spouses in married-couple families; 7 percent headed lone-parent families; and 15 percent were children living at home.

10. The number of female-headed lone-parent families is growing. By 1986, 701,900

families were headed by a female lone parent, a 19 percent increase since 1981. These families represented 10.4 percent of all families in 1986, compared with 9.3 percent in 1981.

11. The proportion of women living alone has also risen. Between 1981 and 1986, the number of women living in one-person households increased 15 percent from 987,500 to 1,137,600. In 1986, they represented 12 percent of all women aged 15 and over, up from 11 percent in 1981. By contrast, fewer than 800,000 men, just 8 percent of all adult males, were living alone in 1986.

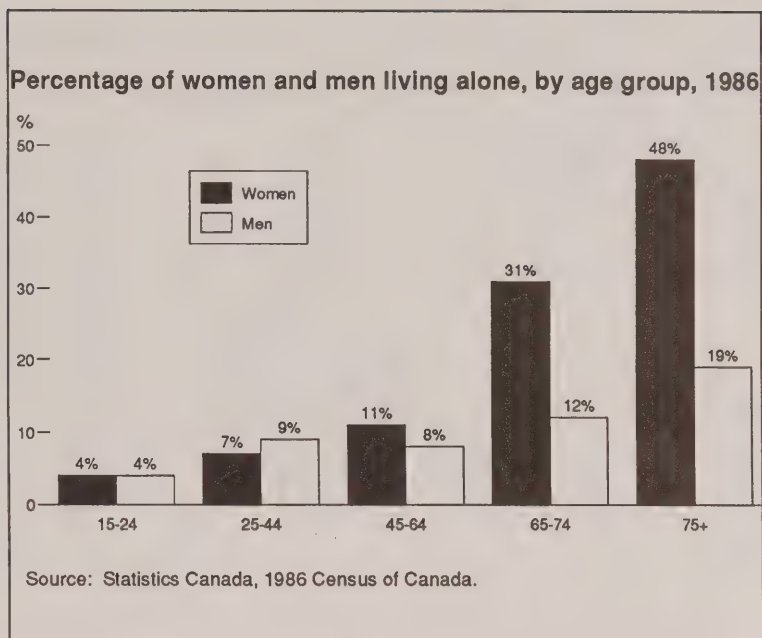
12. Elderly women are, by far, the group most likely to live alone. In 1986, 38 percent of all women over age 65 lived alone. This compared with just 15 percent of elderly men.

13. Women aged 45-64 were also more likely than their male counterparts to live alone. In 1986, 11 percent of women in this age range lived alone, compared with 8 percent of men. By contrast, at ages 25-44, the percentage of women living alone (7 percent) was less than the figure for men (9 percent). Among 15-24-year-olds, almost the same proportion (just under 4 percent) of women and men lived alone.

(c) Marriage and divorce

14. From 1981 to 1988, the marriage rate fell from 52.6 to 45.6 marriages for every 1,000 single, divorced, and widowed women aged 15 and over. However, while marriage rates declined among women under age 30, they rose slightly among older women.

15. The marriage rate for 15-19-year-olds was 11.9 per 1,000 in 1988, less than half the 1981 level of 26.8. The decrease among women aged 20-24 was also significant: from 145.6 to 100.3. For those aged 25-29, there was a slight drop in the rate from 147.2 to 143.5.





16. By contrast, there have been small upturns in marriage rates of women aged 30-49. Between 1981 and 1988, the number of marriages per 1,000 single, divorced, and widowed women aged 45-49 rose from 29.0 to 33.5. Rates also increased slightly among women aged 30-44.

17. Higher marriage rates among women aged 30-49 may reflect, in part, remarriages of divorced women. In fact, 20 percent of women who got married in 1988 had previously been divorced.

18. The incidence of divorce rose somewhat during the 1980s. Between 1981 and 1988, the number of divorces per 100,000 married women increased 11 percent from 1,129 to 1,256. The 1988 figure, though, was actually down from 1,435 in 1987; the rate that year was particularly high because of a change in Canada's divorce legislation which came into effect June 1, 1986.

19. Women retain custody of the majority of children involved in divorces. In 1988, wives were granted custody of 76 percent of all children involved in divorces; in cases where the wife was the applicant, this proportion was 83 percent. As well, in another 10 percent of cases, joint custody was awarded.

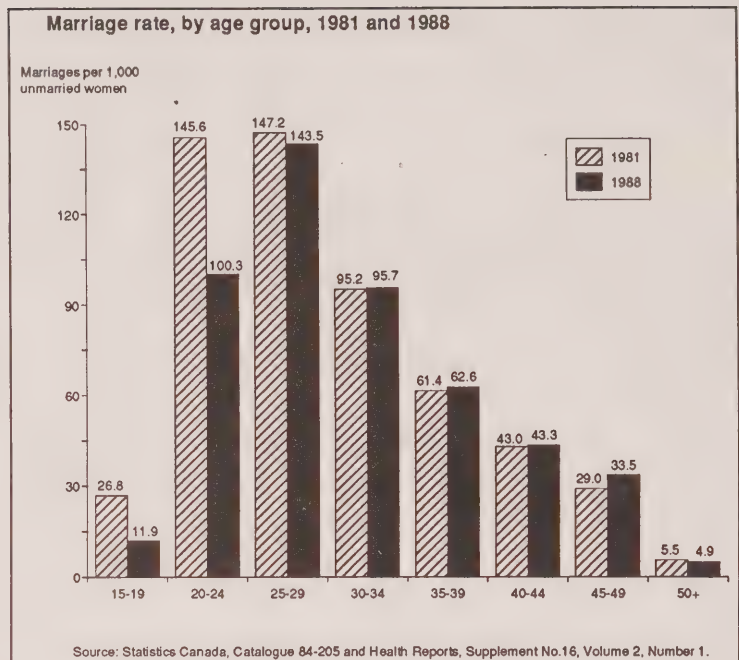
(d) Widowhood

20. Women are much more likely than men to be widowed. In 1988, 10 percent of all women aged 15 and over were widows, compared with just 2 percent of men. Among those aged 65 and over, almost half (48 percent) of women were widowed, compared with 14 percent of men. This disparity occurs because, on average, women live longer than men; as well, they tend to marry men several years older than themselves.

(e) Fertility

21. Canadian women are having fewer children. The general fertility rate, that is, the number of births per 1,000 women aged 15-49, fell from 56.7 in 1981 to 54.1 in 1988.

22. The fertility decline during the 1980s affected only women under age 30. During this period, fertility rates of women over age 30 increased.

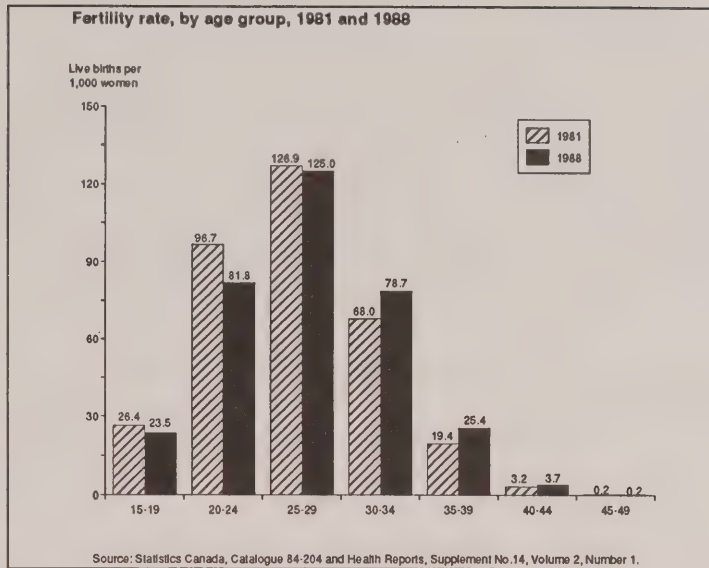


23. The maternal death rate dropped from 0.6 deaths per 10,000 live births in 1981 to 0.5 in 1988.

(f) Abortion

24. There were 17.2 therapeutic abortions in hospitals per 100 live births in 1987. This was up slightly from 16.5 in 1983 and 1984, but down from 17.8 in 1982.

25. Women aged 18-19 were most likely to have abortions; the rate was also relatively high among 20-24-year-olds.



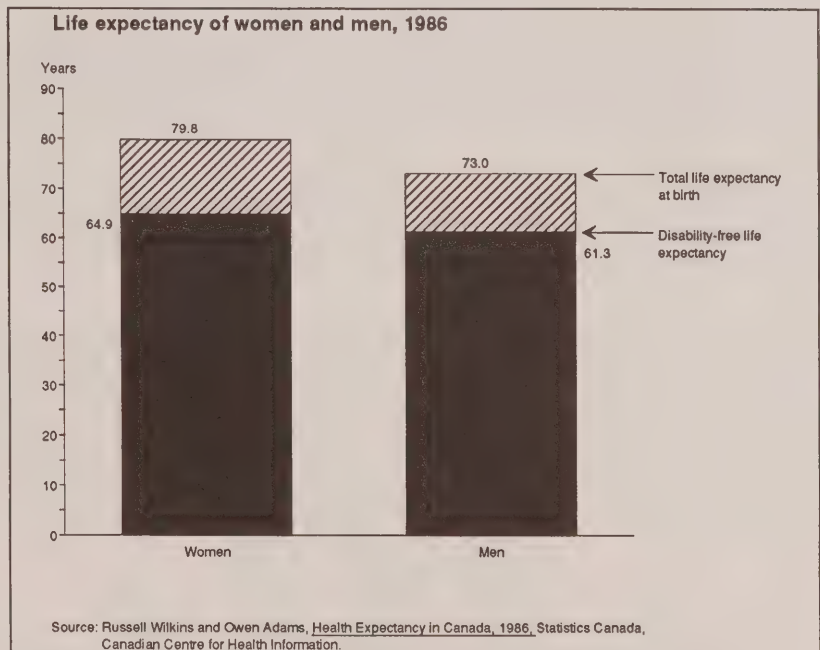
(g) Life expectancy

26. Women tend to live longer than men. Life expectancy for girls born in 1986 was 79.8 years, compared with 73.0 years for boys. However, the increase in female life expectancy (0.8 years) between 1981 and 1986 was less than that for males (1.1 years.)

27. Although life expectancy for newborn girls was 6.8 years longer than that of newborn boys in 1986, their disability-free life expectancy was only 3.6 years longer. Similarly, while 65-year-old women could expect to live about 4.3 years longer, on average, than their male contemporaries, the difference in disability-free time was only 1.3 years.

(h) Disabilities

28. Disabilities are slightly more common among women than among men. In 1986, 14 percent of women were disabled, compared with 13 percent of men.



29. This overall difference was entirely attributable to a relatively high rate of disability among elderly women. In 1986, 57 percent of women aged 75-84 were disabled, compared with 48 percent of men in this age range. At age 85 and over, disability rates were 85 percent among women and 75 percent among men.



30. Female disability rates, though, were slightly lower than those of men for all age groups younger than 75.

31. Elderly women with disabilities are also more likely than their male counterparts to live in institutions. In 1986, 19 percent of disabled women aged 65 and over resided in institutions, compared with 12 percent of men. The difference was most evident among those over age 85: 46 percent of disabled women lived in institutions, compared with 34 percent of disabled men. These variations in living arrangements occur because elderly women are more likely than elderly men to be widowed, and therefore, do not have a spouse to care for them at home.

(i) AIDS and other sexually transmitted diseases

32. As of November 1990, 6 percent of all AIDS cases (fewer than 260) involved women. As well, women accounted for 4 percent of new cases reported between January and November 1990.

33. Women are also somewhat less likely than men to contract gonorrhea or syphilis. In 1989, women made up 46 percent of gonorrhea cases. Also, the number of women with this disease declined by 10 percent in 1989, while the number of men fell only 4 percent.

34. Women aged 15-19, however, were twice as likely as comparable men to contract gonorrhea. In contrast, for people over age 20, the number of female victims was half that of men.

35. The incidence of syphilis, once the most serious sexually transmitted disease, has been very low in Canada since the mid-1950s. In 1989, just under 1,500 cases were reported in Canada, 42 percent of which involved women.

36. Women, especially younger women, experience a higher reported incidence of both herpes and chlamydial infections than men. In 1988, 68 percent of all reported herpes cases and 77 percent of chlamydial infections involved women.

37. The vast majority of female victims of both herpes and chlamydial infections are young adult women. In 1988, 79 percent of all females with herpes and virtually all those with chlamydial infections (97 percent) in which the age of the victim was known involved women aged 15-39. Overall, women aged 15-24 were three and a half times more likely than men in the same age group to have herpes and four times more likely to have a chlamydial infection. Women aged 25-39 were twice as likely as comparable men to have either of these conditions.

(j) Mortality

38. Women's death rate is lower than that of men. In 1988, there were 6.5 deaths for every 1,000 women, compared with 8.1 for men.

39. Lower female death rates prevail at all ages. For example, there were 6.3 infant deaths for every 1,000 live births of girls in 1988, compared with 8.0 infant deaths for boys. At the other end of the age range, the death rate at ages 85 and over was 144.3 per 1,000 women, compared with 193.9 for men.

40. The two leading causes of death for both women and men are heart disease and cancer. In 1988, heart disease accounted for 30 percent of all deaths of Canadian women, while another 26 percent were attributable to cancer. These figures were roughly the same as those for men. However, cerebrovascular disease was the third most frequent cause of death for women (10 percent), whereas accidents and other adverse effects such as suicide and homicide ranked third for men.

41. Women are far less likely than men to commit suicide. In 1988, there were 6 suicides for every 100,000 women, compared with 21 for men.

42. The age distribution of women who commit suicide differs from that of men, though at all ages, the female suicide rate is much lower. The highest female suicide rate in 1988 was among women aged 45-49. That year, there were 10 suicides for every 100,000 women in this age range. In contrast, rates among men peaked at ages 20-29 and 75-84, at more than 30 suicides per 100,000 population.

43. Women are also less likely than men to be homicide victims. In 1988, 35 percent of homicide victims were women.

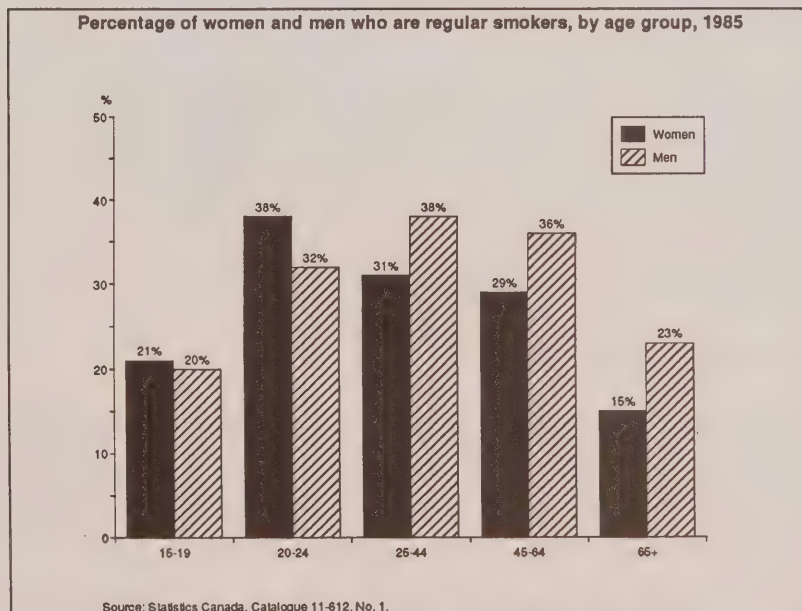
44. However, a higher proportion of female than male homicide victims are killed by an immediate relative. In 1988, 57 percent of all female homicide victims were killed by a family member, whereas the figure for men was 24 percent.

45. As well, wives are more likely than husbands to be murdered by their spouse. In 1988, 70 women were killed by their husbands, compared with 21 men who were killed by their wives. Nonetheless, the number of women murdered by their spouse in 1988 was one of the lowest totals in the last decade.

#### (k) Lifestyle health risks

46. Fewer women than men smoke. In 1985, 28 percent of women aged 15 and over identified themselves as regular smokers, compared with 33 percent of men. Another 4 percent of both sexes were occasional smokers.

47. Among young adults, however, women are more likely than men to be regular smokers. At ages 20-24, 38 percent of women compared with 32 percent of men were



regular smokers, while among 15-19-year-olds 21 percent of women and 20 percent of men smoked regularly.

48. The percentage of women who consume alcoholic beverages is also less than that of men. In 1989, 72 percent of women had consumed at least one drink in the previous 12 months; the corresponding figure for men was 84 percent. Both these proportions were down from 1985, when 77 percent of women had identified themselves as drinkers, compared with 86 percent of men.

49. Women are also less likely than men to use illicit drugs. In 1989, just 4 percent of women reported that they had used cannabis at least once during the previous year, compared with 9 percent of men. Similarly, fewer than 1 percent of women had taken cocaine, whereas 2 percent of men had done so.

50. By contrast, women are more likely than men to take legal drugs such as sleeping pills and tranquillizers. In 1989, close to 5 percent of women, twice the proportion of men, reported having used sleeping pills in the previous month. The trend was similar for tranquillizers, with 4 percent of women and 2 percent of men reporting use.

51. Legal drug use increases at older ages. For instance, among those aged 65 and over, 12 percent of women and 10 percent of men reported having taken sleeping pills sometime in the previous month.

52. Women are less likely than men to be victims of violent crime. In 1987, there were 77 violent criminal incidents per 1,000 women aged 15 and over, compared with 90 incidents per 1,000 adult men.

53. Separated and divorced women are especially vulnerable to violent attack. In 1987, there were 265 violent crimes for every 1,000 separated or divorced women, the highest rate for any marital group, male or female.

54. Accidents<sup>1</sup> are less prevalent among women than among men. In 1987, 15 percent of women aged 15 and over were involved in accidents, compared with 22 percent of men. Among the elderly, however, women were more likely than men to have had some type of accident: 9 percent versus 5 percent.

## II. Education

### (a) Educational attainment

55. While the level of educational attainment of Canadians increased during the 1980s, women are still somewhat less likely than men to be university graduates. By 1989, 10 percent of women aged 15 and over had earned a degree, up from 7 percent in 1981. Degree-holders accounted for 14 percent of adult men in 1989, compared with 11 percent in 1981.

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<sup>1</sup> An event that interrupted the victim's normal activities for at least half a day and/or caused expenses of at least \$200.00.



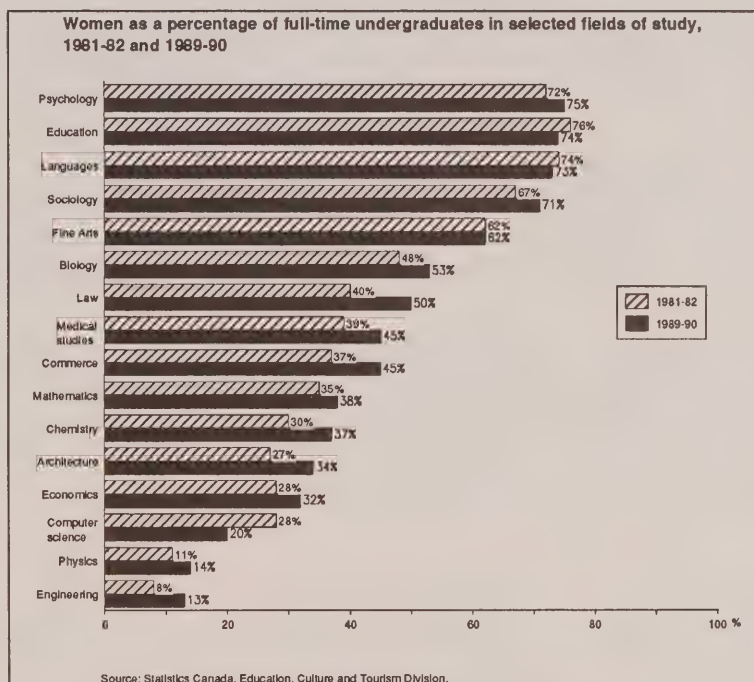
56. A higher proportion of women than men have earned certificates or diplomas from postsecondary institutions such as community colleges. In 1989, 15 percent of women were graduates of these institutions, compared with 12 percent of men. Both figures were up from 1981 when 11 percent of women and 9 percent of men held such credentials.

(b) Postsecondary enrolment

57. The increase in the proportion of women with university degrees reflects the fact that women now make up the majority of undergraduate students. In 1989-90, 52 percent of all full-time undergraduates were women, up from 47 percent in 1981-82. This occurred because during the 1980s, the number of women enrolled full-time at university grew faster than the number of men. From 1981-82 to 1989-90, female undergraduate enrolment rose 42 percent, compared with a 15 percent rise in the number of male undergraduates.

58. Women's representation in graduate programs also increased sharply, although they remain a minority of full-time graduate students. Between 1981-82 and 1989-90, the number of female graduate students rose 45 percent, compared with a 22 percent increase for men. By 1989-90, women accounted for 41 percent of all graduate students, up from 37 percent in 1981-82.

59. The majority of part-time university students are women. From 1981-82 to 1989-90, part-time female enrolment rose 30 percent among undergraduates and 50 percent at the graduate level. Meanwhile, the number of men studying part-time increased 8 percent at the undergraduate level and stayed the same in graduate studies. Consequently, by 1989-90, women made up 64 percent of part-time undergraduates, compared with 60 percent in 1981-82. As well, at the graduate level, 51 percent of part-time students were women in 1989-90, up from 41 percent in 1981-82.



60. At both the undergraduate and graduate levels, women are more likely than men to enrol in programs such as education, the humanities, and social sciences. By contrast, they are generally less likely than men to be in fields such as engineering, the physical sciences, mathematics, architecture, economics, and computer science.

61. Throughout the 1980s, women outnumbered men in community colleges. Women accounted for 55 percent of full-time community college students in 1988-89, up from 53 percent in 1981-82.

62. Women attending community college are much more likely than men to enrol in health sciences (particularly nursing) and in social and educational services programs, while their representation in engineering and applied sciences, natural sciences, and primary industry programs is relatively low.

(c) Literacy

63. Although the majority of Canadian women can read well enough to deal with everyday requirements, a substantial proportion have literacy problems. In 1989, while 63 percent of women aged 16-69 could meet most reading demands, the skills of 15 percent were too limited to allow them to cope with the type of written material encountered in day-to-day life. Another 23 percent of women could carry out simple reading tasks in familiar contexts with clearly laid out material, but could not deal with more complex reading matter. This distribution is roughly the same as that for men.

64. Women in older age groups and women born outside Canada are the most likely to have literacy problems. In 1989, 36 percent of women aged 55-69 had limited reading skills, compared with 15 percent of women aged 35-54 and 6 percent of those aged 16-24. At the same time, 32 percent of immigrant women had limited reading abilities in English and French, whereas this was the case for only 11 percent of women born in Canada. Again, these distributions are similar to those for men.

(d) Computer literacy

65. In 1988, close to half (46 percent) of all women reported that they knew how to use a computer. This was slightly lower than the proportion of men (48 percent).

66. The tasks for which women and men use computers, however, differ. Women are slightly more likely than men to do word processing and data entry, whereas men are more likely to analyze data and do programming.

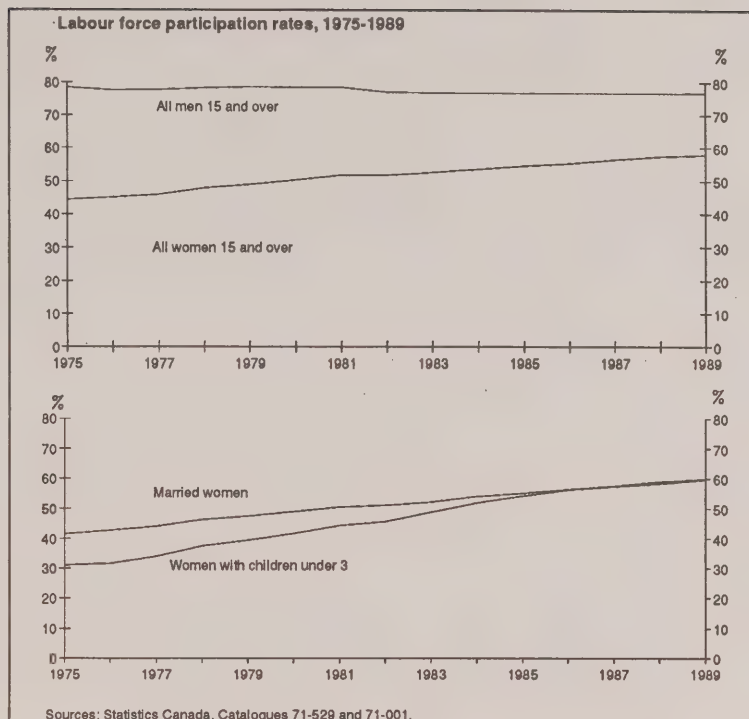
**III. Economic characteristics**

(a) Labour force participation

67. The proportion of women in the labour force continues to rise. In 1989, 58 percent of women were in the labour force, up from 52 percent in 1981. By contrast, men's labour force participation rate declined from 78 percent in 1981 to 77 percent in 1983 and remained at that level through 1989. As a result, women made up 44 percent of the total labour force in 1989, compared with 41 percent in 1981.

68. Increases in labour force participation have been particularly pronounced among women aged 25-54. From 1981 to 1989, the percentage of 25-44-year-old women in the labour force rose from 65 percent to 77 percent, while the figure for those aged 45-54 went from 56 percent to 68 percent. Despite these increases, participation rates of women in these age ranges remain well below those of their male contemporaries, more than 90 percent of whom were in the labour force in 1989.

69. Labour force participation rates of women aged 15-24 and 55-64 also increased in the 1980s, and while these changes were less dramatic than those for women in their prime working years, they were greater than those for comparable men. The percentage of 15-24-year-old women in the labour force rose from 63 percent to 67 percent between 1981 and 1989, whereas the figure for men increased only from 72 percent to 73 percent. In the same period, the participation rate of women aged 55-64 went up slightly, whereas that for men dropped 9 percentage points. Still, in 1989, about twice the proportion of men (66 percent) as women (34 percent) aged 55-64 were in the labour force.



70. Labour force participation rates of women with children have also increased sharply. In 1989, for example, 62 percent of women with pre-school-aged children were in the labour force, compared with 47 percent in 1981. Over the same period, the participation rate of mothers with school-aged children rose from 61 percent to 75 percent.

71. The rise in labour force participation by mothers has been accompanied by increasing demands for child care. In 1990, there were 321,000 licensed day care centre spaces and family day care spaces. This was almost three times the amount available in 1980 (109,000). Even so, just 18 percent of pre-school-age children with mothers working outside the home were in licensed day care spaces. The vast majority of children in need of day care were looked after either by baby-sitters or relatives.

72. Women still bear the primary burden of family and home care, even when they are employed outside the home. In 1986, working women averaged 3.1 hours a day on domestic and child care duties. This was more than double the 1.5 hours that employed men devoted to such activities. Women who identified their primary activity as keeping house spent 6.0 hours per day on these tasks.

#### (b) Industry

73. Part of the increase in women's labour force participation reflects shifts in the distribution of employment from goods-producing to service industries. During the 1980s, almost all growth in the economy occurred in the service sector, where women constitute the majority of workers. In fact, the increase in the number of women in the service sector accounted for two-thirds of all labour force growth between 1981 and 1989.



74. In 1989, 53 percent of service sector workers were women, up from 50 percent in 1981. Overall, 83 percent of working women were employed in the service sector, compared with 58 percent of male labour force participants.

75. Women continue to make up a minority of goods-producing workers, although their share of these jobs has also increased. In 1989, 24 percent of workers in this sector were women, up from 22 percent in 1981. In fact, the total number of women in goods-producing industries rose around 7 percent between 1981 and 1989, whereas the number of men actually declined about 1 percent.

(c) Occupation

76. Increases in women's labour force participation over the last decade have been accompanied by several shifts in the types of jobs they hold. Despite these changes, a large majority of female workers are still concentrated in occupations in which women have traditionally been employed. In 1989, 72 percent of employed women worked in clerical jobs, service positions, sales, nursing and related health occupations, or teaching. By contrast, just 29 percent of employed men worked in these occupations. Since the early 1980s, however, there has been a downturn in the proportion of women holding these jobs. In 1982, for example, 77 percent of all working women were in one of these occupational groups.<sup>2</sup>

77. Clerical jobs constitute, by far, the largest single occupational category for women. In 1989, 31 percent of all working women were in clerical positions, compared with just 6 percent of employed men. The share of female employment in clerical occupations, though, was down from 34 percent in 1982. Nonetheless, in 1989, over 80 percent of clerical workers were women, a slight increase over 79 percent in 1982.

78. There are also relatively large shares of women in service jobs, sales, nursing and related health occupations, and teaching. In 1989, 17 percent of female workers were in service positions; 10 percent were in sales; 9 percent were in nursing; and 6 percent were teachers. This distribution is similar to the pattern in the early 1980s. As with clerical occupations, these fields have relatively large female components. In 1989, women made up 85 percent of people employed in nursing and related health occupations, 66 percent of teachers, 57 percent of service personnel, and 46 percent of salespeople. These proportions were all above 1982 levels.

79. During the last decade, women's employment in managerial and administrative positions grew dramatically. Between 1982 and 1989, the number of female managers and administrators

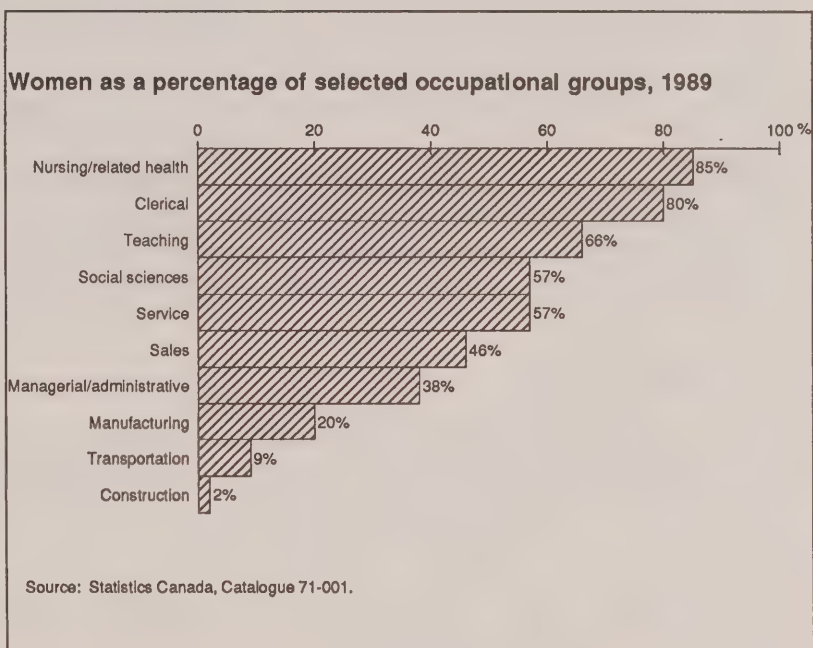
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<sup>2</sup> The way occupation data are classified by the Labour Force Survey was changed in 1984. This had a noticeable statistical impact on several occupation groups, and therefore, 1982 and 1989 data are not always strictly comparable.

more than doubled.<sup>3</sup> Because of this increase, in 1989, the managerial and administrative category was the third largest occupational group for women, accounting for 11 percent of all female workers; in 1982, it had represented 6 percent of working women and ranked fifth. At the end of the decade, women filled 38 percent of these positions, up from 29 percent in 1982.

80. Women's participation in several other professional occupations also increased. For example, between 1982 and 1989, the number of women in social science professions, excluding university teaching, rose 52 percent. In fact, women made up 57 percent of all people in these fields in 1989 whereas the 1982 figure had been 48 percent. In the same period, the number of women employed as health professionals such as doctors more than doubled, so that by 1989, 33 percent of people in these professions were women, compared with 18 percent in 1982. On the other hand, women still accounted for only 19 percent of those in natural sciences, engineering, and mathematics in 1989 although this was up from 15 percent in 1982.

81. Women continue to be significantly under-represented in what have traditionally been male-dominated blue collar jobs. In 1989, women made up around 20 percent of people employed in primary occupations and in manufacturing jobs such as processing, machining, and product fabricating. As well, there was little change in this pattern during the decade. In both transportation and construction, however, women did make some gains. Still, by 1989, just 9 percent of people in transportation and only 2 percent of those in construction were women.



#### (d) Self-employment

82. Women are less likely than men to be self-employed. In 1989, 9 percent of all female workers, compared with 17 percent of male workers, ran their own businesses.

<sup>3</sup> Changes in the managerial and administrative group should be interpreted with caution. Refinement of the occupational classification by the Labour Force Survey in 1984 had a pronounced effect on employment figures in this category. As much as 40% of the increase in the proportion of women in this group may be attributable to new occupational definitions. But even without this artificial boost, there was still considerable growth in women's employment in this category.

83. Nonetheless, women's share of this sector has risen over the last decade. In 1989, 29 percent of all self-employed people were women, up from 24 percent in 1981. In fact, women accounted for almost half (45 percent) of all growth in self-employment between 1985 and 1989.

84. A small number of women are unpaid family workers. In 1989, the 53,000 women in this category represented about 1 percent of all working women. That year, they made up 80 percent of all unpaid family workers.

85. Women's employment in unpaid family work, however, has been falling. In 1981, more than 100,000 women, about twice the number in 1989, had held such jobs.

(e) Part-time employment

86. Women are far more likely than men to work part-time. In 1989, 25 percent of all employed women had part-time jobs, compared with just 8 percent of men. The proportion of women working part-time, however, has fallen slightly since the mid-1980s. In 1985, for example, 26 percent of employed women held part-time jobs.

87. Most women who work part-time do so by choice. In 1989, 39 percent reported they did not want full-time jobs; another 23 percent were going to school; and 14 percent cited personal or family responsibilities as the reason they worked part-time. Still, over 300,000 women, 22 percent of those working part-time, did so because they could not find full-time employment.

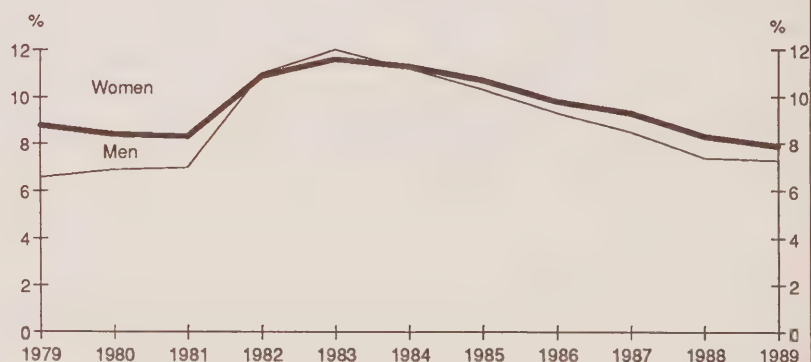
(f) Unemployment

88. Unemployment rates have been higher for women than for men since the end of the recession of the early 1980s. In 1989, for instance, 7.9 percent of women were unemployed, while the rate for men was 7.3 percent.

89. Women tend to be unemployed for shorter periods than men. In 1989, unemployed women spent an average of 16.6 weeks without work, compared with 19.0 weeks for men.

90. Unemployment levels vary among women and men at different ages. For both sexes, unemployment is highest among 15-24-year-olds, although the rate for men in this age range exceeds that for women. In 1989, 12.4 percent of men aged 15-24 were unemployed, compared with 10.1 percent of women. By contrast,

**Unemployment rates of women and men, 1979-1989**



Source: Statistics Canada, Catalogues 71-529 and 71-001.



women aged 25 and over are more likely than men to be unemployed. In 1989, 7.9 percent of women aged 25-44 were unemployed, compared with 6.6 percent of men. For those aged 45-64, the figures were 5.9 percent for women and 5.4 percent for men.

91. Unemployment is considerably higher among female lone parents than among married women with children. In 1989, 14.3 percent of female lone parents with at least one child under age 16 were unemployed, compared with 8.3 percent of married women with children.

92. Regardless of the presence of a spouse, unemployment is most prevalent among women with pre-school-aged children. For example, in 1989, unemployment rates of married women were: 10.8 percent for those with children younger than age 3; 8.7 percent for those whose youngest child was aged 3-5; and 7.1 percent for those with no pre-school-aged children, but at least one child aged 6-15. For women with no spouse at home, 25.2 percent of those with children younger than age 3 and 16.6 percent of those with children aged 3-5 were unemployed; the figure for those whose youngest child was aged 6-15 was 11.7 percent.

(g) Unionization

93. Women are less likely than men to be union members. In 1988, 30 percent of female workers, compared with 39 percent of their male counterparts, were members of unions. For women, unionization rates generally increased until 1983 and have remained relatively stable since then, whereas there has been a long-term downturn in the percentage of men who are unionized.

(h) Pension coverage

94. Women are generally less likely than men to be covered by either public or private pensions. Because eligibility for Canada or Québec Pension Plans (CPP/QPP) is tied to employment, a smaller proportion of women than men participate in these programs. In the mid-1980s, for example, around 60 percent of women aged 18-64, compared with more than 85 percent of men, contributed to these plans. However, while the share of women in CPP/QPP programs has risen from around 55 percent in the late 1970s, the figure for men has fallen from over 90 percent.

95. Because CPP/QPP benefits depend on factors such as length of time worked and size of contributions, women receive fewer benefits than men. In 1986, the average CPP/QPP benefit paid to women was only about 60 percent of that received by men.

96. Women are also less likely than men to participate in private pension plans. In 1988, 31 percent of women in the labour force participated in such plans, compared with 42 percent of men.

97. Women's lower participation in private pension plans is related to their concentration in both part-time work and in industries where pension coverage is less extensive than in industries where men predominate.

(i) Maternity leave

98. Despite the overall decline in the fertility rate during the 1980s, the incidence of maternity absences from work generally increased over this period. In 1987, there were 4.0 pregnancy-related absences for every 100 women aged 15-49 who were paid workers at some time during the year, up from 3.1 in 1980. The 1987 figure, however, was down slightly from 4.2 in 1985.

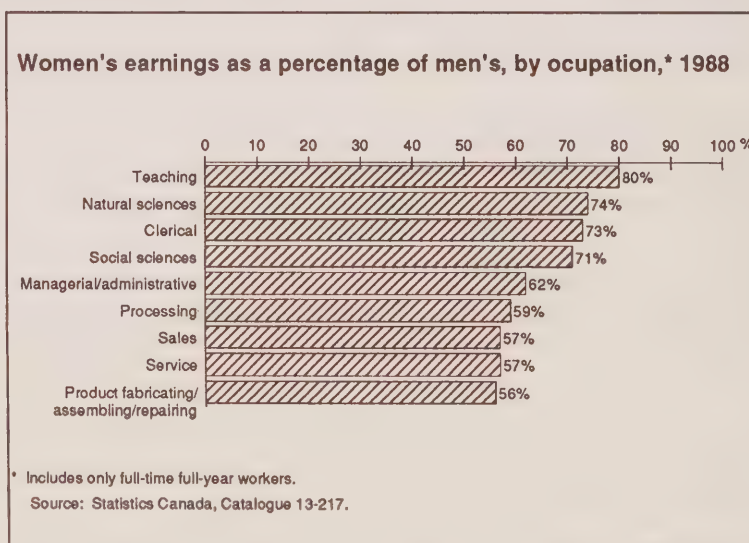
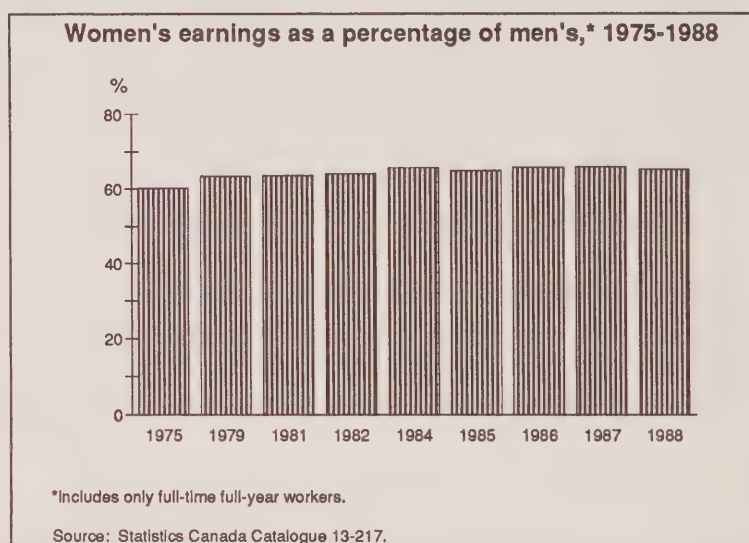
99. The proportion of compensated maternity absences also increased during the 1980s. In 1987, 92 percent of maternity leaves were compensated, compared with 77 percent in 1980.

(j) Earnings and income

100. Women's share of total income has risen over the last decade and a half. In 1989, women's income accounted for 36 percent of all income, up from 32 percent in 1982 and 26 percent in 1975.

101. Almost all the increase in women's share of total income occurred because more women are working. There has, in fact, been no reduction in the wage gap between women and men since the mid-1980s. In 1988, the earnings of full-time female workers were 65 percent those of men working full-time. While this figure was up from 60 percent in 1975, it was actually slightly lower than that in 1984.

102. The earnings gap between women and men is smaller for those with higher levels of education. Still, in 1988, the average earnings of female university graduates working full-time all year were only 72 percent those of comparable male graduates. In comparison, the figure was 66 percent for women with a postsecondary certificate or diploma, 62 percent for those who had not gone beyond high school, and 57 percent for women with less than Grade 9.



103. The discrepancy between the earnings of women and men also tends to be smaller in certain occupations, particularly the professions. For example, the earnings of women working full-time

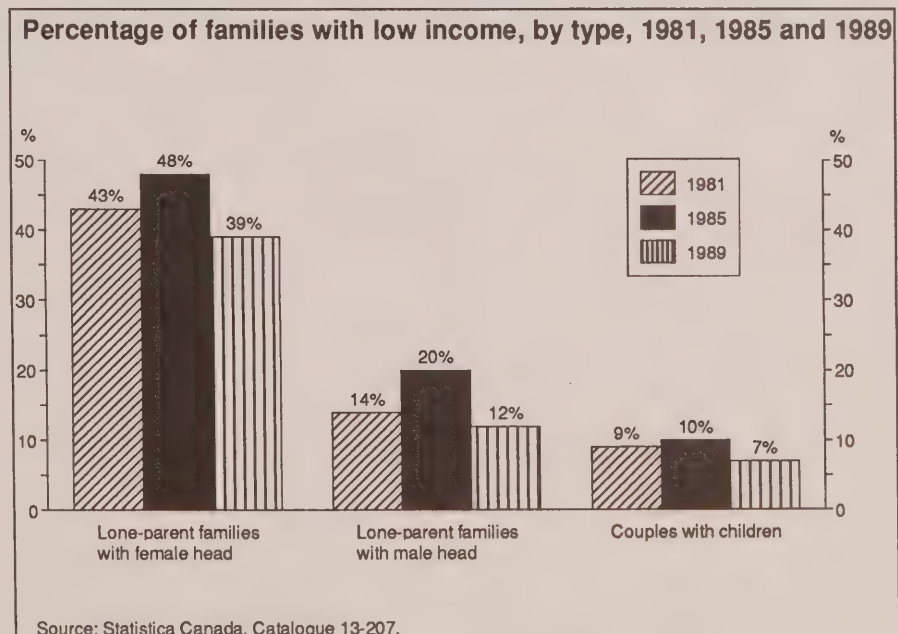
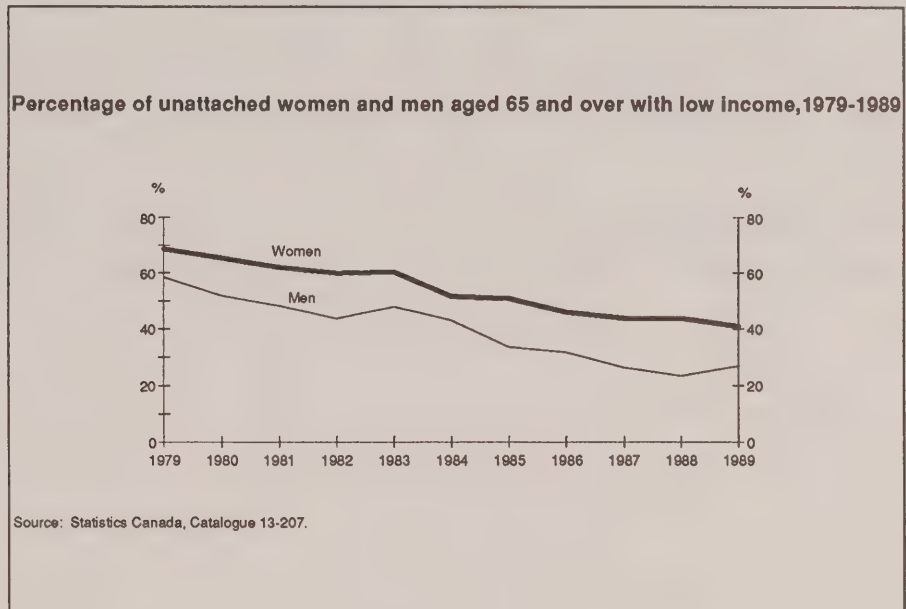
all year were 80 percent those of men in teaching, 74 percent in natural science occupations, and 71 percent in social science positions. On the other hand, female managers and administrators had earnings that were only 62 percent those of comparable men.

104. The earnings of women in clerical jobs, at 73 percent those of men, were also comparatively high. However, this was largely attributable to the relatively low earnings of men in these positions. In contrast, women employed in both service and sales occupations had earnings that were only 57 percent those of comparable men, while the figure was 56 percent in product fabricating.

(k) Low income

105. Lone-parent families headed by women are among the most vulnerable to economic hardship. In 1989, 39 percent of all female-headed lone-parent families had incomes below official low-income lines. While this was down from 48 percent in 1985, the proportion of these families living on low incomes was still far greater than the figure for all husband-wife families with children (7 percent).

106. The incidence of low income has also fallen among elderly unattached women, although the percentage of these women living below the low-income cut-offs is still higher than that of other socio-economic groups. In 1989, 41 percent of women aged 65 and over who lived alone had low incomes. This was a decline from 52 percent in 1985 and 66 percent in 1980.





107. Low-income situations may be reflected in a variety of ways. For instance, many female-headed lone-parent families have serious housing affordability problems. In 1986, 59 percent of these women who were renters paid more than 30 percent of their income on shelter costs, compared with 22 percent of married-couple families who were renting. Housing affordability was a less common problem among homeowners, although the gap remained. In 1986, 27 percent of female lone parents who owned their homes paid more than 30 percent of their income on shelter costs, compared with 11 percent of homeowning married-couple families.

#### **IV. Public life**

108. Data on the participation of women in public life are not collected systematically. As for Canada's second report, for the present report partial data were gathered in co-operation with provincial and territorial governments. They are reproduced in the tables that follow which deal with the representation of women on elected public bodies (Table 1), in the judiciary (Table 2) and in senior government positions (Table 3).

109. Although these data are not complete enough to permit in-depth analysis, they nevertheless show that significant progress has been made in many areas.

**Table 1: Representation of Women on Elected Public Bodies**

Jurisdiction	Legislature			Municipal Councils (Mayors and Councillors)			School Boards		
	1980	1985	1990	1980	1985	1990	1980	1985	1990
Canada:									
- House of Commons	14/282 5.0%	27/282 9.6%	40/295 13.6%	N/A	N/A	N/A	N/A	N/A	N/A
-Senate	10/98 10.2%	11/101 10.9%	15/111 13.5%	N/A	N/A	N/A	N/A	N/A	N/A
Alberta	7.6%	7.6%	15.8%	16.2%	17.8%	19.0%	-	34.0%	39.4%
British Columbia	-	10.5%	13.2%	-	17.0%	16.8%	-	42.0%	50.4%
Manitoba	-	8.7%	15.8%	-	8.7%	8.9%	-	31.5%	40.4%
New Brunswick	6.8%	5.2%	12.1%	7.4%	15.5%	16.0%	24.8%	34.2%	35.7%
Newfoundland	-	2.0%	3.8%	-	-	20.9%	-	-	-
Nova Scotia	2.0%	6.0%	5.7%	-	14.6%	15.5%	-	39.2%	37.8%
Ontario	4.8%	7.2%	20.0%	-	6.4%	19.0%	-	25.0%	38.8%
Prince Edward Island	-	9.4%	21.9%	-	13.2%	19.8%	-	26.6%	37.3%
Quebec	6.5%	14.7%	18.4%	8.1% <sup>e</sup> 2.3% <sup>f</sup>	12.9% <sup>g</sup> 5.3% <sup>h</sup>	14.3% <sup>m</sup> 5.6% <sup>n</sup>	27.7%	35.4%	41.6%
Saskatchewan	-	7.8%	8.1%	-	-	-	-	-	30.5%
Northwest Territories	8.3%	8.3%	-	-	16.3%	-	-	41.5%	-
Yukon	-	18.7%	25.0%	-	33.3%	33.3%	-	56.2%	64.0%

LEGEND: N/A not applicable

- data not available

a 1989

b mayors and treasurers only

c heads of council only

d 1986

e councillors, 1981

f mayors, 1981

g councillors

h mayors

i 1981

j 1984

k 1989

l 1987

m 1989 (councillors)

n 1989 (mayors)

**Table 2: Representation of Women in the Judiciary, 1990**

Jurisdiction	Federal Appointments (Superior Courts)			Provincial/Territorial Appointments (Lower Courts) a		
	Total No. In Office Men and Women	Number of Women	Women as % of Total	Total No. In Office Men and Women	Number of Women	Women as % of Total
Canada						
Supreme Court	9	2	22.2	N/A	N/A	N/A
Federal Court	24	2	8.3	N/A	N/A	N/A
Tax Court	18	2	11.1	N/A	N/A	N/A
Alberta	84	9	10.7	119	10	8.4
British Columbia	124	11	8.9	129	15	11.6
Manitoba	35	5	14.3	34	4	11.8
New Brunswick	41	2	4.9	27	3	11.1
Newfoundland	28	2	7.1	27	1	3.7
Nova Scotia	32	3	9.4	45	4	8.9
Ontario	247	22	8.9	243	18	7.4
Prince Edward Island	7	1	14.3	3	0	0.0
Quebec b	153	8	5.2	275	19	6.9
Saskatchewan	43	5	11.6	50	1	2.0
Northwest Territories	-	-	-	-	-	-
Yukon	1	0	0	31	14	45.0
Total	846	74	8.7	983	89	9.0

N/A not applicable

- data not available

a data are not uniform. Some may include categories of judges not included in others, such as justices of the peace (Yukon) and by-law and traffic adjudicators (British Columbia).

b 1989



**Table 3: Women in Senior Government Positions**

	Ministers (appointed among elected members)		Deputy and Associate Deputy Ministers (government appointments)		Assistant Deputy Ministers or Equivalent (civil service appointments)	
Jurisdiction	Women/Total		Women/Total		Women/Total	
	1985	1990	1985	1990	1985	1990
Canada	6/39 (15.4%)	7/38 (18.4%)	7/52 (13.5%)	10/53 (18.9%)	12/293 (4.1%)	36/345 (10.4%)
Alberta	2/28 (7.1%)	3/27 (11.1%)	-	2/27 (7.4%)	16/308 (5.2%)	20/302 (6.6%)
British Columbia	1/20 (5.0%)	2/16 a (12.5%)	2/26 (7.7%)	-	1/62 (1.6%)	-
Manitoba	2/18 (11.1%)	3/18 (16.7%)	2/25 (8.0%)	2/25 (8.0%)	4/37 (10.8%)	11/61 (18.0%)
New Brunswick	2/20 (10.0%)	4/24 (16.7%)	2/27 (7.4%)	5/29 (17.2%)	1/28 (3.6%)	2/27 (7.4%)
Newfoundland	1/19 (5.3%)	1/15 (6.7%)	0/- (0.0%)	3/14 (21.4%)	4/- (-)	7/34 (20.6%)
Nova Scotia	1/22 (4.5%)	0/21 (0%)	1/- (-)	3/23 (13.0%)	-	0/- (0.0%)
Ontario	2/23 (8.7%)	11/26 (42.3%)	5/36 (13.9%)	6/43 (14.0%)	2/60 (3.3%)	20/69 (29.0%)
Prince Edward Island	1/10 (10.0%)	2/11 (18.2%)	0/12 (0%)	1/13 (7.7%)	0/- (0.0%)	-
Quebec	4/28 (14.3%)	6/30 a (20.0%)	4/48 (8.3%)	6/54 a (11.1%)	6/86 (7.0%)	10/90 a (11.1%)
Saskatchewan	2/19 (10.5%)	1/18 (5.6%)	2/27 (7.4%)	4/37 (10.8%)	3/36 (8.3%)	2/16 (12.5%)
Northwest Territories	1/8 (12.5%)	-	0/10 (0%)	-	-	-
Yukon	1/5 (20.0%)	1/5 (20.0%)	1/11 (9.1%)	1/9 (11.1%)	-	6/16 (37.5%)

- data not available

a 1989

## Selected Bibliography

### I. Statistics Canada

11-612 - General Social Survey Analysis Series:

No. 1 - Health and Social Support, 1985

No. 2 - Patterns of Criminal Victimization in Canada

No. 3 - Accidents in Canada

No. 5 - Where Does Time Go?

No. 6 - Work, Education, Computers and Retirement: Challenges for the 1990s

13-207 - Income Distributions by Size in Canada

13-217 - Earnings of Men and Women

71-001 - The Labour Force

71-529 - Labour Force Annual Averages, 1981-1988

74-401 - Pension Plans in Canada

75-001 - Perspectives on Labour and Income, Summer 1989, Joanne Moloney, "On Maternity Leave."

81-229 - Education in Canada

82-003 - Health Reports

82-602 - The Health and Activity Limitation Survey, Highlights: Disabled Persons in Canada

85-209 - Homicide in Canada

91-204 - Postcensal Estimates of Families

91-210 - Postcensal Annual Estimates of Population by Marital Status, Age, Sex and Components of Growth

93-106 - 1986 Census of Canada, The Nation, Families: Part I

93-109 - 1986 Census of Canada, The Nation, Ethnicity, Immigration and Citizenship

### II. Other Sources

Health and Welfare Canada

National Alcohol and Other Drugs Survey (1989), Highlights Report, Health Promotion Directorate, Health Services and Promotion Branch

Status of Daycare in Canada, 1989, National Child Care Information Centre, Child Care Programs Division

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## PART II: REVIEW OF JURISPRUDENCE

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### Introduction

110. International human rights conventions that Canada has ratified do not automatically become part of the law of Canada so as to enable individuals to go to court when they are breached. Nevertheless, cases may arise regarding domestic law that are relevant to the implementation of the present Convention. This is particularly the case since the enactment of the *Canadian Charter of Rights and Freedoms* as Part 1 of the *Constitution Act, 1982*.

111. The Charter enables individuals to challenge laws or practices of federal, provincial and territorial governments on the ground that they violate rights guaranteed by the Charter. One very relevant provision in the present context is section 15 of the Charter, which guarantees the right to equality in the law on a number of grounds including sex. Section 15 applies to the full range of governmental action, and thus serves to ensure that there is equitable treatment of men and women in all areas of life. Other provisions of the Charter of particular relevance in the present context are section 7, which guarantees the right to life, liberty and security of the person, and section 28, which provides that Charter rights must be guaranteed equally to male and female persons.

112. Furthermore, each jurisdiction in Canada has enacted anti-discrimination legislation (or, as it is called in Canada, human rights legislation), which applies in the private as well as the public sector. It prohibits discrimination on a number of grounds, including sex and, in many cases, pregnancy or family/marital status, in employment matters and in the provision of goods, services and facilities. Complaints pursuant to human rights legislation are adjudicated in the first instance by human rights tribunals.

113. Cases may also arise independently of the Charter or human rights legislation which are relevant to the implementation of the present Convention. Recent cases of these various types -- that is, relating to the Charter, anti-discrimination legislation or other laws which have a significant bearing on women -- are summarized below.

### Article 1 (definition of discrimination)

#### (i) Canadian Charter of Rights and Freedoms

##### General

114. International human rights law has been taken into account in a number of cases defining equality rights for the purposes of section 15 of the *Canadian Charter of Rights and Freedoms*. For example, in *Schachter v. the Queen*, [1988] 3 F.C. 515 (appeal dismissed, [1990] 2 F.C. 129; leave to appeal granted, S.C.C., Nov. 15, 1990), the Federal Court relied on the preamble and article 5 of the present Convention to conclude that "Canadian society is committed to equalizing the role of parents in the care of children as much as possible, for the benefit of the family in



general, and in particular for the achievement of greater equality in the workplace for women". The Court then went on to conclude that unemployment insurance benefits should be available to natural fathers who stayed home with newborn children as well as to natural mothers and adoptive parents.

115. Similarly, the Supreme Court of Canada has indicated that Canada's international human rights obligations are a relevant consideration in determining whether a limit on a Charter right is a reasonable one within the meaning of section 1 (*Slaight Communications Inc. v. Davidson*, [1989] 1 S.C.R. 1038). Thus, it can be expected that the obligations imposed by the present Convention will be taken into account by the courts in determining the ambit of all of the rights and freedoms guaranteed by the Charter, including the equality rights guaranteed by section 15.

116. Indeed, in *R. v. Keegstra*, (S.C.C., December 13, 1990) the Supreme Court of Canada relied on the "high concern regarding discrimination" manifested in international human rights law in concluding that the limitation on freedom of expression posed by the prohibition of the wilful promotion of hatred in the *Criminal Code* was an acceptable one in terms of section 1 of the Charter.

#### Marital status

117. The Supreme Court of Canada has indicated that the list of prohibited grounds of discrimination in section 15 of the Charter is not exhaustive, and that other distinctions based on analogous grounds are subject to review pursuant to section 15. In particular, in *Law Society of British Columbia v. Andrews*, [1989] 1 S.C.R. 143, the Supreme Court indicated that if distinctions are based on personal characteristics, especially those associated with stereotyping, historical disadvantage or prejudice, then section 15 will come into play. The Supreme Court of Canada has not, however, as yet considered any section 15 cases involving distinctions based on marital, family or parental status.

#### Adverse effect discrimination

118. In *Law Society of British Columbia v. Andrews*, the Supreme Court of Canada stated that section 15 should be interpreted to preclude adverse effect discrimination (that is, where a neutral rule has an adverse effect on an individual or group) as well as intentional or direct discrimination. This serves to ensure that, in accordance with article 1 of the present Convention, exclusions or restrictions which have the **effect** or purpose of impairing women's equality rights are unacceptable in Canadian law.

#### (ii) Human rights legislation

119. As indicated in Canada's Second Report, at paragraph 79, the Supreme Court of Canada has interpreted human rights legislation to preclude adverse effect discrimination as well as intentional or direct discrimination. In *Central Alberta Dairy Pool v. Alberta Human Rights Commission*, (September 13, 1990), the Supreme Court of Canada went on to hold that where a complaint involves adverse effect discrimination, there is a duty on the part of the employer to make a

reasonable accommodation towards the employee adversely affected, except where this would cause the employer undue hardship.

120. In *A.G. v. Druken et al.*, (1988) 9 C.H.R.R. D/5339, the Federal Court of Appeal held that the *Canadian Human Rights Act* had primacy over other federal laws, so that even where discriminatory practices are apparently authorized by such laws they may be challenged pursuant to that act (leave to appeal to the Supreme Court of Canada denied). The Supreme Court of Canada had already reached this same conclusion regarding provincial human rights laws (*Winnipeg School Division No. 1 v. Craton et al.*, [1985] 2 S.C.R. 150).

121. The *Druken* case also held that provisions in the *Unemployment Insurance Act* which precluded persons from collecting unemployment insurance benefits where they have worked for their spouse or a corporation controlled by their spouse discriminated on the basis of marital status, and were therefore contrary to the *Canadian Human Rights Act*.

#### Article 2(g) (penal provisions)

122. In *R. V. Lavallée*, [1990] 1 S.C.R. 852, the Supreme Court of Canada upheld the acquittal of a battered woman who had shot and killed her common-law husband. The Court accepted her defence based on the expert evidence of a psychiatrist who testified that the accused suffered from "battered woman syndrome". Wilson J. emphasized that the expert's evidence about the psychological effect of battering on wives and common-law partners was both relevant and necessary to assist the jury in determining whether the accused had a "reasonable apprehension of death" when she acted. The testimony also assisted the jury in dispelling some of the myths about battered women which may adversely affect the battered woman's claim to have acted in self-defence.

123. Section 7 of the *Canadian Charter of Rights and Freedoms* guarantees the right to life, liberty and security of the persons and the right not to be deprived thereof except in accordance with the principles of fundamental justice. This provision was relied upon in *Morgentaler v. the Queen*, [1988] 1 S.C.R. 30, to strike down the therapeutic abortion provisions of the *Criminal Code*. In the view of the Supreme Court, the delays in obtaining abortions, and also the inequality in access to them, that resulted from the operation of these provisions involved a breach of section 7.

124. In *R. v. Hess*, (1990) 59 C.C.C. (3d) 161, the Supreme Court of Canada held that a provision in the *Criminal Code* rendering it an offence for a male to have sexual intercourse with a female under the age of 14 years of age did not involve discrimination on the basis of sex contrary to section 15 of the Charter. The Court noted that although it might also be unacceptable for a woman to have sex with a male under the age of 14 years, or for a man to have sex with a male under 14, nevertheless these were offenses involving different biological acts, which it might be appropriate for the legislature to deal with in a different manner.

#### Article 4 (special temporary measures)

125. Article 15(2) of the *Canadian Charter of Rights and Freedoms* provides that programs with the purpose of ameliorating the conditions of disadvantaged groups are not to be considered in

violation of the equality requirements of that section. Thus, in *Weatherall et al. v. A.G. Canada*, (1987) 59 C.R. (3d) 247 (F.C.T.D.) (appeal allowed in part but not on this point), the Federal Court held that strip searching of male penitentiary inmates by female guards was justifiable pursuant to section 15(2) in emergency circumstances, although such searches were not permitted *mutatis mutandis*, because it was necessary if women were to be employed as prison guards.

126. Furthermore, one of the considerations of the Federal Court of Appeal in *R. v. Conway*, [1991] 1 F.C. 85, in finding that unannounced patrols by female guards in a male penitentiary were not an unreasonable search and seizure contrary to section 8 of the Charter was that providing women with this employment opportunity "was directed to the improvement of the lot of women".

### Article 5 (stereotyping)

127. Canadian courts are becoming increasingly aware of the need to avoid the stereotyping of women. For example, in *G. v. L.*, (1988) 41 C.R.R. 378, the Saskatchewan Court of Appeal held that a requirement that a single woman's evidence be corroborated in a paternity suit rests on the stereotype that any woman who is an unmarried mother will be less than a truthful witness, and therefore violated section 15 of the Charter. (See also paragraphs 114 and 121).

128. The treatment by Canadian courts of the issue of family violence has also contributed to the elimination of social conduct based on negative attitudes toward women. For example, in *R. v. Moses*, (1988) 87 A.R. 239, the Alberta Court of Appeal indicated that in its view the need to discourage violence against women was an important consideration in sentencing persons who had committed this offence. Thus the court stated at p. 240:

Domestic violence is all too prevalent in our society and in particular I refer to violence against women. The message must go out from this court that we will not treat lightly an offence of this nature. The scenario here, as in many such cases, was that of a smaller and weaker female being abused by an obviously stronger and heavier male.

129. In *Action Travail des Femmes v. Canadian National Railways et al.*, [1987] 1 S.C.R. 1114, the Supreme Court of Canada held that orders of affirmative action programs which take into account the effects of past discrimination are permissible under the *Canadian Human Rights Act*.

### Article 6 (prostitution)

130. In *Reference re sections 193 and 195.1(1)(c) of the Criminal Code*, [1990] 1 S.C.R. 1123, the Supreme Court of Canada held that freedom of expression as guaranteed by section 2(b) of the *Canadian Charter of Rights and Freedoms* extends to a prostitute's public communications with a prospective client. However, it held that the restrictions of the *Criminal Code* on such communications were a reasonable limit within the terms of section 1 of the Charter, and therefore did not result in a Charter violation.



### Article 11 (employment)

131. In *Robichaud v. the Queen*, [1987] 2 S.C.R. 84, the Supreme Court of Canada held that the *Canadian Human Rights Act* contemplates the imposition of liability on employers for all acts of their employees in the course of their employment, so that they are vicariously liable for sexual harassment practised by their employees.

132. In *Brooks v. Canada Safeway Ltd.*, [1989] 1 S.C.R. 1219, the Supreme Court of Canada held that a group insurance plan which denied pregnant women any leave benefits during the 17 week period around their pregnancy, although other employees were entitled to benefits for loss of pay due to accident or sickness, involved discrimination on the basis of sex contrary to the *Manitoba Human Rights Act*. The Supreme Court stated that pregnancy, although it could not properly be characterized as a sickness or an accident, was a valid health related reason for absence from the workplace. Therefore, the Court concluded that the plan discriminated on the basis of pregnancy when it provided benefits in the one set of circumstances but not the other. Furthermore, it held that discrimination on the basis of pregnancy was tantamount to discrimination on the basis of sex.

133. In *Janzen v. Platy Enterprises Ltd.*, [1989] 4 W.W.R. 39, the Supreme Court of Canada held that the general prohibition of sex discrimination in the *Manitoba Human Rights Act* includes a prohibition against sexual harassment.

134. In *Gauthier et al. v. Canadian Armed Forces*, (1989) 10 C.H.R.R. D/6014, a Human Rights Tribunal appointed under the *Canadian Human Rights Act* concluded that restrictions in the employment of women in the Canadian Armed Forces were discriminatory. The Tribunal ordered the full integration of women into the Canadian Armed Forces within 10 years, except for service on submarines.

135. In *Morissette v. Canadian Employment and Immigration Commission*, (1987) 8 C.H.R.R. D/3699, a Canadian Human Rights Tribunal held that it was discriminatory for the Commission to deny the complainant the usual job-hunting services because she was pregnant.

136. In *Cashin v. Canadian Broadcasting Corporation*, (1988) 9 C.H.R.R. D/5343, the Federal Court of Appeal held that it was discriminatory to refuse to renew the contract of a woman journalist because of the political and high profile activities of her spouse, whose name she had adopted. The respondent's apprehension that the public would perceive the complainant biased in her reporting due to her husband's position was a wholly subjective standard and therefore not a *bona fide* occupational requirement.

### Article 12 (health)

137. See paragraph 123 above.

### Article 16 (family and marriage)

138. See paragraphs 114 and 117 above.

139. In *Klachefsky v. Brown*, (1988) 12 R.F.L. 280, the Manitoba Court of Appeal held that the fact that, if custody of two children were awarded to their mother, they would be placed in daycare, was not a sufficient consideration to award custody to their father. The court noted at p. 283:

Daycare and home care arrangements of this kind are a fact of life which many children and parents face, and there was no evidence before the judge that the children would suffer the least harm from being exposed to a few hours when they are neither at school nor with their mother. Whether an alternative caregiver is paid or unpaid cannot be decisive of what is in the best interests of the children.

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## PART III: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA AND BY THE GOVERNMENTS OF THE PROVINCES AND TERRITORIES

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### A. GOVERNMENT OF CANADA

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#### Article 2(b): Elimination of discrimination

140. The *Canadian Human Rights Act* prohibits discrimination in employment and in the provision of goods, services, facilities and accommodation on the basis of, amongst other grounds, sex. The Act applies only to the federally-regulated sector, which includes approximately 11 percent of all employees in Canada. An overall review of the Act is currently under way. The review is examining a wide range of matters, many of which are directly relevant to women.

#### Article 2(c): Protection of women's legal rights

141. Through the Court Challenges Program, the Government provides financial support to groups and individuals to challenge laws perceived as contrary to the Canadian Constitution in light of, among other things, the guarantees of sexual equality (sections 15 and 28) of the *Canadian Charter of Rights and Freedoms*. In May 1990, the Court Challenges Program was renewed with funding of \$13.75 million over five years. The Program is administered by the Human Rights Research and Education Centre of the University of Ottawa. An independent panel decides which cases should receive financial assistance.

#### Article 2(f): Legislative changes

142. As discussed in the second report, the 1985 amendments to the *Indian Act* gave back Indian status to women who had lost it under previous discriminatory provisions of the Act. Women who had lost Indian status and band membership as a result of the provisions in the former section 12(1)(b) are entitled to regain status and membership upon application. First-generation descendants are also entitled to status and can apply to the bands for membership. A comprehensive evaluation of the impacts of the legislation, conducted in consultation with national aboriginal organizations, was submitted to Parliament in December 1990. It stated that as a result of the amendments there has been a 19 percent increase in the status Indian population in Canada. Women represent 58 percent of all those who gained status and 77 percent of those whose status was restored.

143. The *Canadian Multiculturalism Act* of 1988 addresses issues of equality and equitable participation in Canadian society which are of vital importance to visible and ethnocultural minority women. The Act commits the Government to preserving and enhancing the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada. Programs of the Multiculturalism Sector of the



Department of Multiculturalism and Citizenship address these issues with special attention to the needs of women.

144. In January 1988, Bill C-15 (S.C. 1987 c. 24) was proclaimed. It brought into effect a number of amendments to the *Criminal Code* and the *Canada Evidence Act* with, among others, amendments to protect children from sexual abuse. The Department of Justice is currently monitoring the legislation for parliamentary review in 1992.

### **Article 2(g): National penal provisions**

145. A minimum security institution with accommodation for up to 11 female inmates was opened in Ontario in March 1990. It is the first facility of its kind for federally-incarcerated female inmates, providing them with the opportunity to participate in programs suited to their needs in an environment consistent with their security requirements.

146. *Creating Choices*, the report of the Task Force on Federally Sentenced Women, a joint initiative of the Government and non-governmental organizations, including the Canadian Association of Elizabeth Fry Societies and aboriginal women's groups, was released in April 1990. In response, the Solicitor General of Canada announced on September 26, 1990 that the Prison for Women in Kingston will be replaced with five regional facilities, including a *Healing Lodge* for aboriginal inmates. This initiative, which will be implemented over a four-year period at a cost of approximately \$50 million, will enable women to serve their sentences closer to their families and home communities.

### **Article 3: Measures to ensure the advancement of women**

147. In September 1988, the Minister Responsible for the Status of Women established a working group to develop a Plan of Action for Aboriginal Women and Economic Development. The working group consisted of the three national aboriginal women's organizations (the Native Women's Association of Canada, the Pauktitit Inuit Women's Association of Canada and the Indian and Inuit Nurses of Canada) and Status of Women Canada.

148. The Plan of Action, now completed, provides recommendations in areas such as data collection for use in program and policy development, the facilitation of education and training, and mechanisms to increase aboriginal women's awareness of and access to economic development programs. The Plan is part of the Canadian Aboriginal Economic Development Strategy, announced in June 1989, a key goal of which is to provide long-term employment and business opportunities to Canada's aboriginal citizens. A co-ordinator has been hired with the mandate to establish an office and implement the Plan.

### **Article 4.1: Temporary special measures**

#### **(i) Employers under federal jurisdiction**

149. The *Employment Equity Act*, described in paragraph 88 of Canada's second report, provides for comprehensive reviews of its provisions, operation and impact by a parliamentary committee.

The first review will take place in 1991, after the Act has been in force for five years. Subsequent reviews are to be held every three years. Consultations are presently taking place with employers, employer and labour organizations, designated group representatives, associations and government officials, on issues related to the *Employment Equity Act* in preparation for the parliamentary review.

150. Under the Federal Contractors Program, between January 1987 and December 1990, two companies which had signed certificates of commitment to the Program were found to be in non-compliance with these commitments. As a result, the companies were not allowed to bid on further federal government contracts. Both companies subsequently submitted plans that met the requirements of the Program, and the sanctions were removed.

151. In May 1989, the Employment Equity Branch of Employment and Immigration Canada expanded its operations to include the Designated Group Services Directorate. One of its prime responsibilities is to develop linkages with national employer associations to promote hiring and retention of members of the designated groups, i.e. women, persons with disabilities, members of visible minority groups and aboriginal people.

152. A Designated Group policy is being developed by Employment and Immigration Canada. Its main objective is to facilitate the effective functioning of the labour market by eliminating the barriers preventing the full, productive contribution of the designated groups.

## **(ii) Public Service**

153. In September 1988, the federal government appointed a task force to identify barriers to the advancement of women in the Public Service. In April 1990, the task force tabled a four-volume report which concluded that the corporate culture in the Public Service fosters attitudes which impede women's progress. It recommended that employment of women be treated as a managerial objective which should be attained through changes in attitudes as well as changes to the system itself. Most federal departments are taking steps to implement the task force's recommendations.

154. On December 12, 1990, the President of the Treasury Board tabled a White Paper in the House of Commons: *Public Service 2000: The Renewal of the Public Service of Canada*. This represents the first comprehensive policy statement in more than 20 years on the future of the federal Public Service. It indicates that the Public Service of the 1990s and beyond must create a working environment that attracts and retains women and minority groups. This is largely a matter of changing attitudes, motivating managers to pursue the objectives of employment equity -- and holding them accountable -- and changing management practices.

155. A special study of personnel employed in Canadian museums revealed an over-representation of women in lower salaried positions. The study pointed to the need to develop a special strategy to address staffing and training concerns in the museums.

156. Under the Public Service Employment Equity Policy, all government departments are required to work toward specific numerical targets for representation of women and other groups,



set for a three-year period. In January 1991, Treasury Board approved a revised approach to setting targets. The ultimate objective is still a representative Public Service, but the focus of the new strategy will be on recruitment, promotions and retention -- areas over which managers can exercise their accountability. In 1985, there were 308 women in the management category, representing 7.3 percent of the total category. In 1990, the figure had risen to 15.3 percent, slightly over the 1991 target of 15.2 percent.

157. As part of a series of measures to increase the hiring of women in non-traditional occupations in the federal Public Service, "OPTION: The Non-Traditional Occupations Program for Women" was developed to provide on-the-job training, work experience and career advancement opportunities. In 1987, 250 person-years and \$8.8 million were allocated to this program.

158. In January 1989, the Public Service Commission introduced the *Employment Equity Programs Exclusion Approval Order*. This order facilitates the appointment of people from outside the Public Service to participate in the Commission's special measures programs, such as the OPTION program.

159. In exceptional cases, the Public Service Commission also initiates exclusion approval orders to provide for the direct employment of women where the normal staffing process would not result in their appointment in sufficient numbers. For example, in the Department of Transport certain firefighter positions may be excluded for the purpose of appointing women under the Firefighters Training Program.

160. The Department of Transport has also conducted national campaigns aimed at recruiting female applicants to train as air traffic controllers and flight service specialists.

### **Article 5(a): Elimination of stereotypes**

#### **(i) Actions relating to the broadcasting media**

161. In January 1988, the Canadian Radio-television and Telecommunications Commission (CRTC) issued guidelines for developing industry-administered standards as a means of placing greater reliance on self-regulation and supervision of stereotyping in the broadcast industry. Following this initiative, the CRTC endorsed a proposal from the Canadian Association of Broadcasters (CAB) to establish a Canadian Broadcast Standards Council. The Council's purpose is to develop and amend industry standards on a number of societal issues, including sex-role portrayal. In October 1990, the CRTC published CAB's revised industry guidelines in the *Sex-Role Portrayal Code for Television and Radio Programming* which is a condition of licence imposed on private broadcasters.

162. In December 1990, the CRTC released a study (1988-1990) that monitored sex-role stereotyping in programs and advertising broadcast by radio and television licensees. The research replicated and updated an earlier study of the Canadian broadcast media published in January 1986.



**(ii) Other measures**

163. In an effort to deal with particular difficulties related to the elimination of sexual stereotyping which arise in the French language, the guide *Féminisation : Lignes directrices pour la rédaction de textes* was published in 1988 for use by all federal government departments.

164. The Public Service Commission is making every effort to ensure that its teaching material equitably represents men and women in all occupational groups and levels. Additionally, employment equity modules have been integrated into several staff training courses.

165. As part of the revision of the *Canada Labour Code*, gender non-specific language is being used. This revision will be completed by 1995. In addition, as other acts and regulations are amended, sexist terminology is being eliminated.

166. On May 4, 1987, the Minister of Justice introduced Bill C-54 to replace the current obscenity laws with new provisions prohibiting all pornography involving children and violent or degrading material. The Bill would also place tighter controls on other forms of sexually explicit materials and add sex to the list of identifiable grounds against which hate propaganda is prohibited. Bill C-54 ceased to exist when Parliament prorogued on October 1, 1988. The Minister of Justice has indicated her intention to address the subject of pornography and, in particular, legislative proposals dealing with pornography involving children.

**Article 6: Prostitution**

167. Bill C-49, *An Act to Amend the Criminal Code (Prostitution)*, came into force in December 1985, to respond to the nuisance created by street prostitution. Its main purpose was to make criminal three public activities when they are undertaken for the purpose of offering or purchasing sexual services: (a) stopping a motor vehicle; (b) impeding pedestrian or vehicular traffic; and (c) communicating for the purpose of prostitution in a public place. This was done in section 195.1 (now section 213) of the *Criminal Code*.

168. In October 1990, after a three-year implementation period, the Standing Committee on Justice and the Solicitor General issued a report based on a parliamentary review of the soliciting provisions. The Committee's first recommendation called for the development of programs to provide funds to community-based agencies for prostitutes wishing to leave the street solicitation trade. The Committee also recommended that the *Identification of Criminals Act* be amended to allow for the fingerprinting and photographing of those charged under section 213 of the *Criminal Code*, whether as prostitutes or as customers. Finally, the Committee recommended that this section be amended to provide sentencing judges with the discretion to prohibit persons convicted of street solicitation involving a motor vehicle from driving a motor vehicle for a period not to exceed three months, in addition to any other penalty imposed.

169. The Government will be submitting a response to the report in March 1991, after consultations with interested parties such as provincial and territorial governments, municipal governments and non-governmental organizations.

170. *An Act to amend the Criminal Code and the Canada Evidence Act* (Bill C-15), which came into effect on January 1, 1988, has increased the penalties for clients, pimps and procurers of juvenile prostitutes.

## **Article 7: Women in politics and public life**

### **(i) Appointments**

171. As of November 6, 1990, 31.2 percent of appointments to federal boards, agencies and commissions were women. As of October 1990, 15 out of 111 appointed senators were women. Between September 1984 and October 1990, the number of women serving at the deputy minister or equivalent level in the federal government tripled from 7 to 22.

### **(ii) Judiciary**

172. In January 1987, there were 721 federally-appointed judges holding active office, together with 82 supernumerary judges, for a total of 803. Of the total, 51 were women (6.3 percent). As of January 1, 1991, there were 745 federally-appointed judges and 113 supernumerary judges, a total of 858. Of these, 84 were women (9.8 percent).

### **(iii) Armed Forces**

173. The number of women serving in the Canadian Forces has increased from 7,500 in 1987 to 8,900 in 1990, or from 9.5 percent to 10.4 percent. Women represent over 15 percent of current trainees.

174. In October 1987, all restrictions on the employment of women in flying duties were removed in the Canadian Forces.

175. In February 1989, as a result of a Human Rights Tribunal decision, all restrictions on the enrolment of women in the Canadian Forces were removed with the exception of employment in submarines. Restrictions on the units within which women may serve will be removed gradually over the next 10 years as the number of women in land combat and naval operations occupations increases.

176. In February 1990, an Advisory Board on Women in the Canadian Forces was formed to review the impact of departmental policies on the ability of Canadian women to serve in all occupations.

177. On October 9, 1990, the Department of National Defence established a Consultative Committee on Social Change to advise on how demographic and other changes can impact on personnel policies.

178. In 1987, a notable achievement was the appointment of the first woman in Canada to the rank of Brigadier-General. In total, two female brigadier-generals have been appointed in the Regular Forces and one commodore in the Naval Reserves.



**(iv) Royal Canadian Mounted Police**

179. In an effort to encourage women to enter the Royal Canadian Mounted Police (RCMP), the RCMP National Recruiting Team makes presentations to women's groups, educational institutions and career fairs. Women now constitute 8.1 percent of the regular members of the RCMP. Of the 696 recruits expected to be hired in 1990-1991, 153 (or 22 percent) will be women.

180. The RCMP has increased promotional opportunities for women by implementing a special program under the provisions of (now) section 16(1) of the *Canadian Human Rights Act* to promote six to eight female constables to the Corporal rank between 1988 and 1991 at the RCMP training academy in Regina, Saskatchewan. There are currently 43 women corporals in various positions across the Force, 10 of whom are instructors.

**(v) Non-governmental organizations**

181. Secretary of State's Women's Program is the primary federal source of financial and technical support to women's groups and other voluntary organizations working to promote equality for women. The Program was renewed for five years, effective April 1, 1988, with priority to provide support for disadvantaged women such as disabled, immigrant and visible minority women, rural and isolated women, and native women.

182. The Secretary of State's Aboriginal Women's Program is the primary federal source of financial and technical support to aboriginal women's groups across Canada. This program was initiated in 1971 to enable aboriginal women to address the social, cultural and economic issues in their communities and empower them to develop solutions appropriate to their community needs. Funds are used to provide program funding to two national representative aboriginal women's organizations and funding of approximately 100 projects annually at the provincial, regional and local levels.

183. The Promotion of Official Languages Program of the Department of the Secretary of State offers financial and technical support to women's organizations for the furtherance of community development, education and training among minority official language groups.

184. In April 1988, the Office of Privatization and Regulatory Affairs, in co-operation with Status of Women Canada, sponsored a 2.5 day workshop designed to improve communications and consultative interaction between federal government policy makers and women's groups. The workshop brought together prominent leaders from 15 women's groups, deputy ministers and senior federal department officials. The participants addressed emerging issues and potential policy responses, including time and resource constraints and the government's upcoming policy agenda.

185. Prior to the preparation of Canada's third report on the *Convention on the Elimination of All Forms of Discrimination against Women*, 42 national women's organizations were invited to submit comments related to the federal section of the report. Responses have been received from three organizations and these are being sent with this report for the attention of the members of the Committee on the Elimination of Discrimination against Women.



186. Copies of the Convention, Canada's reports on the Convention and comments made by the Committee are widely distributed to interested groups across Canada.

187. Multiculturalism and Citizenship Canada's Community Support and Participation Program promotes the full and equal participation of all individuals and communities in Canadian life. Women are an important target group. The Program has two parts:

- (a) Citizenship and Community Participation supports community-based service organizations which are assisting first-generation Canadians, particularly immigrant women. The program provides support to the National Organization of Immigrant and Visible Minority Women.
- (b) Community Support assists ethnocultural or multicultural organizations, including organizations such as the Congress of Black Women of Canada, to help address community needs.

**(vi) Voluntary sector**

188. The Department of the Secretary of State of Canada commissioned a series of studies based on the results of the National Survey on Volunteer Activity in Canada (1987) that examined volunteerism from specific perspectives such as the socio-demographic profile of Canadian volunteers and the types of voluntary organizations for which they work. The monograph, *Women as Volunteers*, points out that volunteering is used more by women than men as a bridge to paid employment.

**(vii) Disabled women**

189. The Disabled Persons Secretariat has been continuously involved with the promotion of disabled women and with making this a priority issue. In 1988, the Secretariat held a forum dealing with research on disabled women in order to obtain knowledge on the specific obstacles that prevent disabled women from participating in Canada's social and economic activities to the same extent as other women. In 1989, the Secretariat funded the Dis-Abled Women's Network (DAWN) to carry out the research and publication of four documents that contribute to a better understanding of the specific barriers that disabled women must face in our society. Also, the Disabled Persons Participation Program provides direct funding for projects carried out by disabled women.

**(viii) Young women**

190. The Department of the Secretary of State's Youth Participation Directorate is responsible for co-ordinating the Commonwealth Youth Program (CYP) which involves young people in the development of their countries. In 1990, the Commonwealth Youth Affairs Council accepted the CYP's major review of its structure and activities and the identification of priority areas for action, one of which is young women and development. Through the Directorate's Open House Canada Program, which promotes young people's involvement in Canadian society, young women between the ages of 14 and 22 are highly represented as exchange and forum participants.

### **Article 8: Women as international representatives**

191. The Government of Canada seeks to promote gender balance on all official Canadian delegations travelling abroad. The Government actively encourages the appointment of Canadian women to senior positions in international organizations. Canada also strongly supports the target of 35 percent women in posts subject to geographic distribution in the UN Secretariat, by 1995, and the sub-goal of 25 percent women at the D-1 level and above, also by 1995.

192. Canadian women have been appointed to the following international positions: Assistant Secretary General, Human and Social Sciences at UNESCO; Director, Information Division, NATO; Under Secretary-General for Public Information, United Nations system; and Director of the United Nations Development Fund for Women (UNIFEM). Of the 491 Canadians in professional jobs in the United Nations system, 24 percent are women.

193. Between 1987 and 1990, women comprised approximately 25 percent of the participants on Canadian delegations to meetings of the Pan American Health Organization (PAHO) and the World Health Organization (WHO).

194. In the past three years, recruitment of female foreign service officers by the Department of External Affairs and International Trade has approached 40 percent (compared with 5 percent prior to 1978), and the retention rate of women is now equal to that of men in this category. The promotion rate of women in the foreign service and management categories is considerably higher than that of men. Currently, 13 of 104 heads of mission are women.

195. In 1990, 28.3 percent of the Canadian International Development Agency's (CIDA) overseas employees were women. Of these: 7.8 percent occupied positions in management; 73.4 percent, in administration; 15.6 percent, in administration support; and 3.1 percent, in science and professional services.

### **Article 10(d): Education grants and scholarships**

196. Under the Canada Scholarships Program, 2,500 scholarships worth \$2,000 per year are awarded annually to top Canadian students entering first-year studies in the natural sciences, engineering and related disciplines. Scholarships are renewable for up to three additional years, for a maximum of \$8,000 over four years. At least half of the scholarships must be awarded to women and a minimum of 10 scholarships are awarded to residents of each province and territory.

197. In November 1990, the National Research Council of Canada announced a \$1 million per year program to encourage women to enrol in science courses. The program, which will begin in September 1991, will offer a combination of scholarship and work placement programs for approximately 75 women science and engineering students.

### **Article 10(e): Literacy**

198. The National Literacy Secretariat and the National Literacy Program were established in 1988 to undertake joint initiatives with provincial and territorial governments, voluntary organizations, business and labour, aimed at improving literacy. Although the Program is not



specifically targeted to women, a number of literacy initiatives across the country responding to the particular needs and interests of women have been funded. For example, funding has been provided to a non-governmental organization, the Canadian Congress on Learning Opportunities for Women (CCLOW), to study how gender affects women's access to and experience with literacy programs.

### **Article 11: Employment**

199. The Entrepreneurship and Small Business Office in the Department of Industry, Science and Technology administers the National Entrepreneurship Awareness Project, initiated in 1988. The project encourages a shift in attitudes towards self-employment, especially among youth, women, ethnic and cultural groups, native people, employees affected by staff reductions, mid-career individuals, and seniors.

200. The *Canada Labour Standards Regulations* are being amended to prescribe a standard sexual harassment policy. The proposed format is expected to become law by the spring of 1991.

#### **Article 11.1(c): Free choice of profession**

201. Employment and Immigration Canada is developing a national action plan to promote the employment of women in non-traditional occupations, i.e. occupations in which women represent 33.3 percent or fewer of the workers.

202. Employment and Immigration Canada has provided funding to a national women's organization to investigate the feasibility of developing a national data bank inventory. This inventory would help to provide role models for women who are considering entering a non-traditional occupation. Employment and Immigration Canada has also provided funding to a national construction association to promote an increase in the number of women entering the construction trades. Employment and Immigration Canada is developing a video and other promotional materials to help encourage women to consider a non-traditional field.

203. In 1990, the Minister of Employment and Immigration announced a new option within the Canadian Jobs Strategy called *Language at Work*. This program will allow immigrant women who entered the labour market with insufficient knowledge of one of Canada's official languages to study French or English on the job. The program recognizes that immigrant women may find it particularly difficult to upgrade their language skills when they work full time in addition to having family responsibilities. As well, many immigrant women have taken jobs potentially below their skill capability in occupations which may be threatened by technological change. This program will assist them to become more competitive in the labour market.

204. The Department of National Defence produced the documentary *I Can Do That*. Based on personal testimonies, the film focuses on the experiences of several women in the Canadian Forces to encourage women to seek employment in non-traditional occupations.



### **Article 11.1(d): Equal pay**

205. The principle of equal pay for work of equal value is enshrined in section 11 of the *Canadian Human Rights Act*. The Act also provides for the examination of complaints and enforcement mechanisms. In addition, the *Canada Labour Code* empowers Labour Canada to inspect cases of pay discrimination and refer suspected infractions to the Canadian Human Rights Commission. Since 1986, over 750 employers in the federal jurisdiction have been visited and over 72 percent are taking action or have completed the pay equity implementation process. In 1989, inspections began and the first referrals to the Canadian Human Rights Commission were made in 1990.

206. Seven industry-wide pay equity initiatives have been undertaken by employer associations with the support of Labour Canada. Over 350 employers have joined these initiatives which provide a cost-effective means of achieving pay equity.

207. Over 5,000 pay equity information kits have been distributed. As well, a number of training seminars have been provided for organized labour and employer groups.

208. The federal Public Service is one of the major employers covered by the *Canadian Human Rights Act*. As of December 31, 1990, approximately 79,000 public service employees in female-dominated occupational groups had shared \$454.3 million in equalization adjustments and back pay. Of these, 73,400 received equal pay adjustments as a result of an award announced by Treasury Board on January 26, 1990. The voluntary award was based on the evaluation results of the Joint Union/Management Committee formed in 1985 which compared work in 62 occupational groups of predominately female and predominately male employees to determine where work of equal value is performed. The equal pay award included back pay to 1985 and on-going adjustments for the following occupations: clerical, secretarial, stenographic, typing, educational support, nursing, library science, home economics, occupational/physical therapy, and hospital services.

### **Article 11.1(e): Pension and social security benefits**

209. Minimum standards for federally-regulated private pension plans were amended in the *Pension Benefits Standards Act*, effective 1987. Measures affecting women pension plan members in particular include: the requirement that pension plans pay equal pension benefits to women and men retiring under the same circumstances; the requirement to extend pension plan membership to part-time employees meeting set eligibility conditions; vesting of pension contributions of both employer and employee after two years service; and provisions for pension portability.

210. Amendments to the *Canada Pension Plan*, also effective in 1987, also included measures of particular benefit to women: improved disability benefits; and flexibility of commencement of retirement benefits between the ages of 60 and 70 (with actuarial adjustments).

### **Article 11.1(f): Occupational health and safety**

211. The Workplace Hazardous Materials Information System (WHMIS) became law in Canada on October 31, 1988. WHMIS is a national system of legislated information transfers from

suppliers to employers and from employers to workers concerning the hazards posed by controlled products in the workplace and how to avoid such hazards.

212. In June 1988, the Women's Bureau of Labour Canada published an *Annotated Bibliography on Reproductive Health Hazards in the Workplace*. The Bibliography examines Canadian social, medical, economic, scientific and political research since 1980, and reviews legal cases pertaining to reproductive health hazards since 1970. Issues addressed include: hazards of women's work traditionally considered "safe"; protective and anti-discriminatory legislation; hazards associated with video display terminal use; and strategies for achieving a healthy and safe workplace.

213. When ecological studies are carried out by Environment Canada, special attention is paid to susceptible groups. When women, or a sub-group such as pregnant women or those of reproductive age, run a greater risk, environmental effects are studied carefully and results are considered when developing ecological policy.

**Article 11 -- 2(a) and 2(b): Protection from loss of employment or benefits  
on the basis of maternity**

214. Paragraphs 83 and 138 of the second report described Canada's system of maternity and parental leave and benefits. In 1990, a number of changes were made to increase the flexibility and duration of benefits and to reflect the equality provisions of the Canadian Constitution. The current system of maternity and parental benefits available under the unemployment insurance system to claimants who have worked 20 weeks in the previous year is as follows:

- (a) 15 weeks of maternity benefits for pregnant women in recognition of the mother's physiological needs during the period surrounding childbirth or pregnancy; these benefits will normally be received in the period surrounding the birth, but where the newborn is hospitalized, the mother can postpone taking some or all of her benefits by the number of weeks of the hospital stay (up to 52 weeks after the birth);
- (b) 10 weeks of parental benefits available to either parent in respect of a newborn or an adopted child which can be taken within the first 52 weeks of the child's arrival in the home of the claimant;
  - parental benefits may be divided between the parents and may be taken concurrently or consecutively;
  - in the case of a newborn child, the father may take parental benefits while the mother takes maternity benefits;
  - parental benefits are extended to 15 weeks if the child is six months or older at the time of arrival in the home or the time of placement for the purposes of adoption, and a medical practitioner or placement agency certifies the child suffers from a condition requiring an additional period of care;
- (c) a claimant can receive a combined maximum of 30 weeks of maternity, parental and sickness benefits (an increase from the 15 weeks combined total available previously).



### **Article 11.2(c): Child care**

215. In December 1987, the federal government announced a new National Strategy on Child Care. Two of the Strategy's three major elements are now in place:

- (a) The Child Care Initiatives Fund, costing just under \$100 million over seven years, has been in place since April 1988. It is intended to support innovative initiatives to meet child care needs. As of October 1990, 282 projects had been approved for a total allocation of approximately \$41.2 million; of these, 184 projects were community-based and 37 were national in scope; 61 were located on Indian reserves.
- (b) Tax assistance measures include: a \$200 supplement to the refundable child tax credit for pre-school children; an increase in the child care expense deduction from \$2,000 to \$4,000 for children up to age 6 and those with special needs; and the removal of the limit of \$8,000 on allowable deductions per family. Value of these measures over seven years is estimated at \$2.3 billion.

216. In view of the federal government's policy of debt reduction, implementation of the third element of this strategy -- measures to accelerate the creation of quality child care spaces -- has been postponed.

217. In addition to the money currently being spent by the federal government on child care, \$1 billion is being expended on maternity/parental benefits through the Unemployment Insurance Program. (See article 11 -- 2(a) and 2(b).)

218. The Women's Bureau, Labour Canada, published a study of child care services in March 1990, *Work Related Child Care in Canada*.

### **Article 12: Health care**

219. A Royal Commission on New Reproductive Technologies was established in 1989 to enquire into and report on current and potential medical and scientific developments related to new reproductive technologies. Of particular concern are the social, ethical, health, research, legal and economic implications of reproductive technologies.

220. A national symposium on "Changing Patterns of Health and Disease in Canadian Women" was held in 1988. The topics discussed included: reproductive health; chronic disease; disability; mental health; research and development priorities; the health care system's response to the needs of women; and the needs of low income, native, assaulted, visible minority women and disabled women.

221. Following the symposium, the Conference of Deputy Ministers of Health established the Federal/Provincial/Territorial Working Group on Women's Health to advise them on women's health matters. The Group completed a conceptual paper entitled *Working Together for Women's Health: A Framework for the Development of Policies and Programs*. The Group is now examining women's mental health.



222. In October 1987, the Seniors Secretariat was created within the Department of Health and Welfare to provide a focal point within the federal government on issues relevant to the quality of life of senior citizens. In 1988, Status of Women Canada and the Seniors Secretariat sponsored a national workshop on "Women in an Aging Society". The workshop addressed the issues of health, the health care system, and economic self-sufficiency. The report has been used by the provinces and territories as a guideline for similar workshops to develop topics for discussion. Alberta, Manitoba and Ontario have since held similar workshops.

223. As part of its National Strategy on AIDS, Canada has prepared the report *Women and AIDS: A Challenge for Canada in the Nineties*. This document outlines current initiatives and the major directions of future education and prevention programs. In December 1990, the Department of Health and Welfare's Advisory Committee on Status of Women's Concerns sponsored a seminar for World AIDS Day entitled "Understanding Women and AIDS".

### **Article 13(c): Recreational activities, sports and cultural life**

#### **(i) Fitness**

224. In an effort to promote increased participation by girls and women in physical activities, the Women's Program within Fitness Canada released *Guiding Principles on Girls and Women and Physical Activity* in the spring of 1990. The Principles confirm the federal government's objective of ensuring that all girls and women have the encouragement and opportunity to take part in, and benefit from, all aspects of physical activity, as full and equal partners.

225. To assist programmers, leaders and educators who provide physical activity opportunities for girls and women, the Women's Program produced a *Handbook for Physical Activity Programmers*.

226. Between 1987 and 1989, the Women's Program produced the following reports:

- (a) *Physical Activity and Women with Disabilities ... A National Survey* provided information on the physical-activity needs of women with disabilities to assist with planning and the provision of resources.
- (b) *The Report of the National Task Force on Young Females and Physical Activity* examined issues, identified problems and suggested strategies for improving physical activity opportunities for young women in Canada.

#### **(ii) Sports**

227. The Women in Sport Program within Sport Canada has undertaken a number of new initiatives to recruit and train women for professional coaching. Special apprenticeships and cost-shared coaching positions were provided and, through the National Coaching School for Women, a short-term, residential course was offered, aimed at providing accelerated coaching education for women coaches in the Canadian university and college system. Women and Coaching was one of the major themes of the 1990 National Conference on Coaching Strategies and a

recommendation to undertake affirmative action measures in this area was approved by federal-provincial-territorial ministers responsible for sport in 1990.

228. The third national survey of women in sport leadership was released in 1990. The survey showed that, with the exception of the lower paying jobs in national sport organizations, only modest gains have been made since the 1985 survey. Women continue to occupy fewer than 15 percent of head coach positions in Canadian sport and fewer than 30 percent of senior executive positions. To improve this situation, affirmative action strategies for the 1990s are being developed.

229. In an effort to improve opportunities for women to participate in sport at the community level, Sport Canada produced a model program kit called "On the Move" which is being implemented in communities across the country.

230. In conjunction with the 1990 Commonwealth Games, Canada played a lead role in establishing an international Women and Sport Network aimed at strengthening the opportunities for women in sport and physical activity in Commonwealth countries.

### **(iii) Cultural life**

231. The Canadian Studies Funding Programs (Secretary of State) support projects which encourage learning about Canada. Publications funded include *Free Trade and the Future of Women's Work*, by Marjorie Griffen Cohen; and *Margaret Laurence*, by Christl Verduyn. Also funded was the video series *Through Her Eyes: Resources for Women's Studies*, with the Institute of Women's Studies and the Institute of Canadian Studies, Carleton University. These programs (20 half-hours) explore the unique experiences of Canadian women artists, composers, writers, historians, scientists, politicians, and such topics as the law on sexual assault, women and religion and aboriginal rights.

232. The Federal Women's Film Program is an inter-departmental project in collaboration with Studio D of the National Film Board. The Program has produced films on women in agriculture and on issues of concern to immigrant women, elderly women and women in the paid labour force.

### **Article 14: Rural women**

233. In 1987, Agriculture Canada approved a consultation policy which ensures that representatives of farm women's organizations are included in departmental consultations on the same basis as representatives of general farm organizations. The policy is aimed at increasing the participation of farm women in policy and program development. Farm women are also represented in consultations with the Minister of Agriculture, and have recently participated in the task forces established by the department to assist in the review of the national agricultural policy.

234. A Farm Women's Advancement Program was introduced by Agriculture Canada in 1988-89. The Program provides financial assistance to volunteer organizations for projects aimed at improving the status of farm women in the following areas: (a) legal and economic equality; (b) increased participation of farm women in the agriculture sector's decision-making processes;



and (c) greater recognition of the contribution of farm women to the well-being of Canadian agriculture. Currently, there are approximately 130 eligible farm and rural organizations in Canada. The five-year program will provide over \$700,000 in assistance to these groups.

235. Efforts are currently under way by the Farm Women's Bureau, Agriculture Canada, to further develop the department's Information Initiative to ensure that farm women are fully knowledgeable on agriculture issues and are provided the tools necessary to facilitate their full and equal participation in the agricultural sector.

236. As a complementary measure to the Farm Women's Advancement Program and the Information Initiative, the Farm Women's Bureau has several research projects under way. This research program is being developed, in close consultation with farm women's leaders and experts in the field, to investigate legal, equality and other farm women's issues.

### **Article 16: Women and the family**

237. The *Family Orders and Agreements Enforcement Assistance Act*, adopted in February 1986, allows for the garnishment of non-wage federal payments, including income tax refunds, to enforce support orders.

238. In 1987, a Family Support Program Project was established within the Canadian Armed Forces. Recognizing the need for spousal participation in decision-making in family and community matters, the Project has developed a policy which promotes a co-ordinated and consistent approach to military family support. In 1989, the Canadian Forces approved a policy which will improve the channels of communication between military commanders and military family associations.

239. The Department of National Defence is studying the possibility of establishing a day care centre in Ottawa; several military bases already have such facilities. As of November 1990, the Department has officially recognized common-law relationships between men and women as equivalent to legal marriages. In December 1990, the Leave Without Pay Policy was broadened to permit service members, under certain conditions, to apply for leave to accompany a military spouse on a posting outside Canada.

240. A multi-departmental initiative on family violence was launched in 1988 under the leadership of Health and Welfare Canada. This \$40 million, four-year program included, among other initiatives, funding for up to 500 new emergency shelter units for victims of family violence, increased research, project funding, and law information activities. The projects address prevention, protection and treatment issues.

241. As part of the initiative, the Department of Indian Affairs and Northern Development has allocated funding for short-term community projects to address problems related to family violence and sexual abuse. To date, over 180 projects have been funded, including community workshops and training of community workers to encourage more positive values and attitudes by men, women and children in respect to sexuality and the avoidance of violence.

242. Eighty-one places for battered women have been established for native women on reserves.



243. The federal government has consulted with women's groups, service providers, professional associations, provincial/territorial governments and non-governmental organizations to identify potential areas for action as part of a long-term strategy on family violence to be announced in 1991.

244. The Department of Health and Welfare published a report in June 1990 concerning the long-range direction of federal initiatives regarding child sexual abuse, their implementation and co-ordination. The recommendations are currently being studied by the governmental and non-governmental sectors. Several of the recommendations have been acted upon by the government and others will be addressed in the yet-to-be-announced program.

245. The Royal Canadian Mounted Police (RCMP) has implemented a policy to lay charges in cases of spousal assault. The RCMP is working with its provincial counterparts to study the effect of this "charging policy" on the victims of wife assault and the overall response of the criminal justice system. New policies and protocols to deal with wife assault continue to be developed among the various police services in Canada. In addition, training and sensitization programs regarding family violence are being developed for police officers.

246. In November 1987, Canada's first ministers endorsed a paper outlining strategies for the harmonization of work and family responsibilities. Work is continuing at the federal, provincial and territorial levels toward the further development and implementation of these strategies.

247. The Conference Board of Canada, with financial support from several government departments, produced the study *Canadian Work Environments and Changing Family Structures* which addresses such issues as: the needs of employees who have family responsibilities, such as care of the elderly, disabled, children and other dependents; conflicts between these needs and current employment policies, practices and benefits; and employer/employee attitudes towards the policies, practices and benefits.

248. In March and April 1990, Labour Canada and Status of Women Canada sponsored a series of seminars on the importance of reconciling job and family responsibilities. The seminars brought together key policy makers from both the public and private sectors to discuss the issues and seek solutions to the problems.

249. Amendments have been made to pension legislation to recognize the interests of divorced and separated spouses in pension assets acquired during marriage:

- (a) amendment of the *Canada Pension Plan* (CPP) to strengthen existing provisions to allow more divorced spouses to benefit (elimination of three-year time limit on application; removal of requirement for formal application; clarification of the effect of property waivers in spousal agreements on CPP credit-splitting; and the extension of credit-splitting to separated and common-law couples);
- (b) new provisions in the *Pension Benefits Standards Act*, effective 1987, to allow credit-splitting upon marriage breakdown in accordance with a court order or spousal agreement.

250. Legislative amendments have also increased the rights of widows (and widowers) to benefits derived from a spouse's pension contributions:

- (a) The *Canada Pension Plan* was amended to allow the continuation of survivor benefits on remarriage.
- (b) The *Pension Benefits Standards Act* provides for a mandatory joint and survivor pension, with at least 60 percent of the pension continuing to the survivor. These benefits would also continue on remarriage of the survivor.
- (c) Legislation applying to federal public servants, the Armed Forces and the RCMP was amended to provide for the continuation of survivor benefits on remarriage. These amendments also eliminated provisions for the reduction of benefits to surviving spouses 20 years or more older than the deceased contributor.

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## B. GOVERNMENTS OF THE PROVINCES<sup>4</sup>

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### 1. NEWFOUNDLAND

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251. This submission will update to December 1990 the information contained in Canada's earlier reports under the Convention.

#### Article 2

252. *The Human Rights Code, 1988*, which replaces *The Newfoundland Human Rights Code*, offers protection to women against: discrimination in admission to public places and services (s. 7), in the rental of dwelling units (s. 8) and in employment (s. 10); harassment on the basis of sex in the rental of dwelling units (s. 9) and in an establishment (s. 13); sexual solicitation by a person in a position to confer or deny a benefit or advancement where the person knows or ought reasonably to know that it is unwelcome (s. 14); and discrimination in pay where they are performing the same or similar work as men (s. 12). Discrimination on the basis of pregnancy is considered to be discrimination on the basis of sex. The following table demonstrates the extent of complaints related to sex as a prohibited ground.

1989	Total (New in 1989 & Carried from 1988)	Based on sex	Withdrawn or Dismissed
In the context of Employment	71	18	5
Harassment in an Establishment	16	11	3

253. A new procedure established under *The Human Rights Code, 1988* provides for reference of a complaint that could not be settled to a Board of Inquiry. The Commission is a party to the proceedings and will represent the complainant unless he or she chooses to have independent counsel.

254. *The Human Rights Code, 1988*, s. 20, authorizes the Commission to approve special programs for women which are designed to prevent, reduce or eliminate disadvantages based on or related to their gender.

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<sup>4</sup> Geographical order, from east to west.



### Article 3

255. Over the past few years, a number of initiatives related to the right of women to live in a safe, violence-free environment have been developed. Highlights include: (a) adoption of an aggressive policy to lay and proceed with charges in situations of domestic violence; (b) provision of funding for shelters for abused women in five locations across the province; (c) development of an interdisciplinary training program on Understanding Wife Abuse which is being delivered to government employees by the Public Service Commission; (d) establishment of an Interdepartmental Committee on Wife Battering, which co-ordinates government's policy and programs on prevention of violence and provision of services to victims; and (e) publication by the Women's Policy Office of public education materials on prevention of violence against women, including a community education manual on understanding wife abuse and a brochure on dating violence. In 1988, a three-month public awareness campaign was launched. This campaign included the distribution of posters and brochures and radio and television advertising.

256. With respect to school curriculum, communications skills, self-esteem, healthy coping skills, human sexuality, parenting, and values education are included in Health, Family Life, Family Studies, Home Economics and Career Education. Male and female socialization and sex role stereotyping are also considered in program development and delivery.

### Article 4

257. As a result of the Task Force on Employment Equity for Women, referred to in the Second Report, paragraph 324, the Government established an Accelerated Career Development Program for Women. Evaluation of this program, which concluded in 1987, revealed benefits in terms of increased self-confidence and self-awareness by participants and the development of an informal network among the women who participated. Also as a result of the evaluation, a similar type of program has been established for personnel in the secretarial, clerical and administrative fields where approximately 80 percent of the employees are women.

258. In 1988, a review of recruitment and selection standards was undertaken by the Public Service Commission to ensure that no barriers to the advancement of women were operating in the selection process. In the same year, the Commission reviewed the entrance requirements for all management and supervisory courses to ensure the removal of any artificial barriers to women. Over the last four years, the rate of participation of women in management and supervisory training has gradually increased from 28 percent in 1986 to 41 percent in 1990.

259. With respect to increased representation of women on boards, commissions and agencies, referred to in the Second Report, paragraph 324, the Women's Policy Office reports an increase from 23 percent in 1986 to 28 percent in 1990.

260. In 1988, the Province, with the approval of the Human Rights Commission, implemented an employment program specifically designed to encourage employers to hire women in non-traditional occupations. The program, Occupational Integration for Women, provided a subsidy of 50 percent of the starting salary for an eligible position to a maximum of \$8,000 for a period of 52 weeks. Eighty-five positions were approved.

261. Following a consultant's evaluation of the program in 1989, the Government, in 1990, approved funds for the implementation of another employment program to assist women in obtaining employment in occupations in which they are currently under-represented. The program, Job Bridges, also encourages employers to hire women in non-traditional occupations through the provision of a subsidy of 60 percent of the starting salary for an eligible position to a maximum of \$12,000 for a 52 week period. Women can use the program as a tool in their job search since, by telling employers about the wage subsidy, they increase their chances of obtaining employment in a non-traditional occupation. An effort is made to ensure a supportive work environment by having the employer provide details about the business' operation and by monitoring approved projects.

## Article 10

262. The Department of Education has had a gender equity policy in place since 1982. The Department employs a full-time consultant to promote the policy and to provide leadership and consultative services throughout the Department and to educational agencies and school boards. The policy, which has been widely circulated, covers such issues as equal access to programs, fair treatment, the provision of gender-bias-free curriculum materials and career guidance services. It also covers equal opportunity in the teaching profession. A list of selected career materials directed especially to young women to encourage them to explore a wide range of career options including "non-traditional" jobs is available.

263. Other activities have included: the sponsorship of a symposium on women in science and mathematics (August 1989); collaboration with the Newfoundland Chapter of Women in Science and Engineering (WISE) in the WISE CHOICES projects, namely, a conference, poster campaign and a video on role modelling.

264. In order to improve and encourage access by women to educational programs, the following have been implemented: (a) advisory committees on women's issues have been established at all community colleges and institutes of technology; (b) publications encouraging women to enter a wider variety of occupations have been produced and distributed by the Women's Policy Office; (c) data collection has been improved to ensure that data on the basis of gender is available for research and evaluation of education programs; and (d) a program on role modelling and mentoring is being developed by the Department of Employment and Labour Relations. Core funding has been provided to Women Interested in Successful Employment (W.I.S.E.), a career exploration and personal development program for women, established by a non-profit women's organization. The program provides women with opportunities to explore a wide variety of career choices and upgrade their job-search skills. In addition, in 1990, pilot projects were carried out in 2 post-secondary educational institutions: (a) a pre-technology bridging program for women to enhance their background in preparation for taking courses; and (b) the hiring of a women's advocate to analyze women's needs in the community college context.

265. Three school boards have adopted a policy on employment equity. One board is participating in a pilot project and is actively addressing such issues as fair hiring practices, recruitment and promotion, and is developing an internship program for capable and interested women.



#### **Article 11(1)(d)**

266. In 1988, the Government signed an agreement with five public sector unions to implement pay equity for women in the public service, through the collective bargaining process. A steering committee has been established to oversee implementation of the process. The first phase, involving the Health Care Sector and Newfoundland and Labrador Hydro, is now under way. The first pay equity adjustments are expected to be made in 1991. The wage adjustments, which will be completed over a 5 year period, will be made by bringing the salaries of employees in female-dominated job classes up to the applicable male wage policy line. One percent per year of the applicable payroll for up to four years will be used to make the wage adjustments, with any remaining pay equity wage adjustment to be made in the fifth year.

#### **Article 11(1)(e)**

267. In 1988, the Government implemented a pension plan for part-time employees, the majority of whom are women.

#### **Article 11(1)(f)**

268. In 1988, the Government implemented a policy on personal harassment, including sexual harassment, whereby all employees in the public service are entitled to pursue their duties in a work environment free from harassment by the employer, an agent of the employer, or other employees.

#### **Article 11(2)**

269. Highlights of a strategy developed to assist workers to integrate work and family responsibilities include: (a) a review of labour standards legislation with respect to maternity, parental and adoption leave; (b) a seminar for employers on work and family responsibilities, in the context of human resource planning; (c) the development of guidelines for governmental departments to ensure that new policies and programs and/or the revision of existing ones are sensitive to the need of all Newfoundland workers to balance work and family responsibilities; and (d) improvements in the provision of child care services. With respect to child care, income ceilings have been raised to allow more low income families to qualify for child care subsidies.

#### **Article 14**

270. The Newfoundland Centre for Distance Career Counselling is a partnership venture funded jointly by the provincial and federal governments and housed in the Department of Educational Psychology at Memorial University of Newfoundland. The Centre's mandate is the development of programs for the provision of career counselling and development services to youth in rural areas of Newfoundland and Labrador. Alternative counselling techniques making use of distance education technology are being investigated. Projects directed specifically to women include: a distance career education program to encourage the occupational integration of women in non-traditional areas, and a distance career counselling intervention program for single teenage mothers.



271. In addition, project funding is available to the provincial Farm Women's Association to assist in their activities. For example, in 1990, funding was provided to enable representatives to attend national conferences on Agriculture in the Classroom and Health and Safety on the Farm.

### **Article 16**

272. Pursuant to *The Children's Law Act*, S.N. 1988, c. 61, all distinctions between children born inside or outside marriage have been removed. Section 3 of the Act states that, for all purposes of the law of the Province, a person is the child of his or her natural parents. (Adopting parents are deemed to be the child's natural parents.) Sections 26 and 56, respectively, specify that the parents of a child are equally entitled to custody of the child and to be appointed by a court as guardian of the property of their child, in accordance with the best interests of the child.

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## 2. PRINCE EDWARD ISLAND

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### Introduction

273. This report was prepared pursuant to the guidelines provided in the annex to the report of the Committee on the Elimination of Discrimination against Women, produced in 1988.

### Legal and other measures adopted since the second report

274. The Government of Prince Edward Island (P.E.I.) passed a *Pay Equity Act* in 1988. The purpose of this act was to redress systemic gender discrimination and adjust wages paid for work performed by employees in female-dominated classes. The scope of this act is limited to the public sector including schools, colleges, universities, hospitals, and nursing homes, in addition to a variety of other government-funded agencies. To date, the action of this legislation has resulted in pay increases to 1,743 persons within the provincial civil service, most of whom are female. The increases in salary to these individuals over a five year period will average \$3,120 per year. The remainder of the public sector are in the analysis stage of the pay equity process, and wage adjustments are expected for that portion of the public sector by January 1, 1992. The legislation includes a commitment to maintain equity between male- and female-dominated employment groups after this initial adjustment.

275. Although not only applicable to women, the *Maintenance Enforcement Act* passed in 1988 is a major step towards the correction of an economic disadvantage faced largely by women. This act provides for a Director of Maintenance Enforcement who will have the power to enforce legally-binding maintenance orders on behalf of parties who have been left without the economic support ordered by a court. Combined with reciprocal arrangements with other provinces and some states in the United States, this act has gone a long way toward ensuring the financial support of individuals who have been identified by the courts as deserving of such support. The vast majority of such individuals are women and their children.

276. The P.E.I. Human Rights Commission has adopted as a policy that discrimination on the basis of sex includes discrimination on the basis of pregnancy and sexual harassment. This decision was taken pursuant to the Supreme Court of Canada's decision in *Brooks v. Canada Safeway Ltd*, [1989] 1 S.C.R. 1219 and *Janzen v. Platy Enterprises Ltd*, [1989] 4 W.W.R. 39 (S.C.C.).

### Actual progress made to promote and ensure the elimination of discrimination against women

277. In the P.E.I. portion of Canada's second report, Prince Edward Island reported on the participation rates for women in various positions in public life on Prince Edward Island. The following is an update of that table.

278. There has been an increase in the participation rate by women in public office in this province in all categories, with the exception of chairpersons of school boards. Although progress is slow in some categories, there is movement in the right direction.

## WOMEN IN VARIOUS POSITIONS IN PUBLIC LIFE ON P.E.I. - 1990

Position Title	Total Number of Positions	Total Number of Women in Positions	Percentage of Total
Member of Legislature	32	7	21.9%
Provincial Cabinet Minister	11	2	18.2%
Provincial Deputy Minister	13	1	7.7%
Mayor/Chairperson of Municipal Council	88	12	13.6%
Member of Municipal Council (other than Chairperson)	494	103	20.9%
Chairperson of School Board	5	0	0.0%
Member of School Board (other than Chairperson)	70	28	40.0%
Total	713	153	21.5%

279. In addition to these positions, the first female member was appointed to the Supreme Court of Prince Edward Island.

### Significant changes in the status and equality of women

280. In 1986, the Government of Prince Edward Island established a Women's Directorate with a staff of one to act in an advisory capacity to the Minister Responsible for the Status of Women. A few years later, this Directorate became a Women's Division within the Department of Labour with responsibilities to advise both the Minister of Labour with regards to labour force issues directly affecting women and to advise the Minister Responsible for the Status of Women. In 1991, the Women's Division will be made into a Women's Secretariat with its chief officer having deputy minister status. This action will ensure input on women's issues in all discussions of government policies.

### Remaining obstacles to the participation of women on an equal basis with men

281. As reported in Canada's second report, therapeutic abortions are not available at any hospital or clinic in Prince Edward Island. To obtain a therapeutic abortion, women from Prince Edward Island must seek such a service in another province. The costs of this medical service are covered by the Prince Edward Island Hospital and Health Services Commission.



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### 3. NOVA SCOTIA

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#### Article 2

282. The *Human Rights Act*, R.S.N.S. 1989, c. 214, continues to be the principal anti-discrimination law providing recourse for women who allege discrimination based on sex. Pregnancy-based complaints and complaints of sexual harassment are considered as complaints of sex discrimination. The Human Rights Commission, in 1990, through policy guidelines expanded the definition of sex discrimination to include sexual orientation, thereby offering protection to the gay and lesbian community.

283. In 1985, 23 percent of complaints lodged under the Act were complaints of sex discrimination. The percentage, which increased to 35.5 percent in 1990, is largely due to the protection now offered to pregnant women.

284. Most complaints continue to be resolved through a conciliation process with settlements ranging from financial compensation, restoration in the job for which the person was terminated, redesigned hiring policies and practices, development of policies to deal with sexual harassment in the workplace, and awareness sessions for employers and employees associations.

285. Since 1985, only seven complaints of sex discrimination lodged through the Nova Scotia Human Rights Commission have gone to a public hearing. One was resolved at the hearing, one was lost by the woman on appeal, one found against the women, one found in favour of the woman, and three are awaiting decision.

286. In *Byron Himmelman v. King's Edgemoor School*, the Supreme Court of Nova Scotia, Trial Division, in 1985, found that sexual harassment constitutes just cause for dismissal. A subsequent appeal from Mr. Himmelman was dismissed.

#### Article 3

287. The Women's Directorate, created in 1988, is an internal government agency which fosters a corporate approach to women's issues through consultations with government departments, research on legislation, policies and programs for women, and through identification of ways to improve the condition of women in the provincial public service.

288. The Interdepartmental Committee (IDC) on the Status of Women was then incorporated as an integral component of the Women's Directorate. Its principal goal is employment equity within the government sector. The IDC assists in the research and preparation of background papers and data collection on government programs and services as they affect women and advise the Women's Directorate on ways of improving the conditions of women in the Public Service.

289. Sub-committees for employment equity, communications, membership and planning are struck. The Communications Committee of the IDC is presently drafting a language policy to

promote the elimination of gender bias in any form of government communication. A final product is expected before 1991.

290. The IDC has distributed training packages on women's issues such as premenstrual syndrome, menopause, child care and child birth.

291. The Advisory Council on the Status of Women continues to operate at arm's length from government, and its wide-ranging duties and powers allow it to serve as a link to the women of Nova Scotia. The Advisory Council researches women's issues, proposes legislation, policies and programs, and practices, to enhance equality, and publishes its reports and recommendations.

292. The *Pay Equity Act*, R.S.N.S. 1989, c. 337, passed in 1988, has as its purpose the reduction of the wage gap between male and female workers which exists because of historical sex discrimination in pay practices. The first phase which includes civil servants, corrections employees, highway workers and employees of hospitals staffed by civil servants has been completed. The first installment of pay equity adjustments for all eligible female-dominated classes were provided in September 1990 and the remaining installment will be provided in September 1991, September 1992 and September 1993.

293. Phase two of pay equity which includes employees of Crown corporations, other hospitals and school boards has commenced.

#### **Article 4**

294. The Nova Scotia Human Rights Commission has approved 33 programs of affirmative action designed to eliminate systemic discrimination against women, visible minorities and disabled persons in employment, education and housing.

#### **Article 7**

295. Representation of women in political life continues to be irregular and the rates are rising very slowly. In the provincial legislature, the proportion of women dropped slightly from 6 percent in 1985 to 5.7 percent in 1990. During the same period, it rose from 14.6 to 15.5 percent on municipal councils and it dropped from 39.2 to 37.8 percent on school boards. In the judiciary, there were 3 federally-appointed women judges on a total of 32 in 1990, compared to 1 on a total of 31 in 1986, and 4 provincially-appointed women judges on a total of 45 in 1990, compared to 3 on a total of 38 in 1986. There were no women cabinet ministers on a total of 21 in 1990 compared to 1 on a total of 22 in 1985. There were 3 women deputy ministers out of a total of 23 in 1990, compared to 1 in 1985.

#### **Article 10**

296. Men and women have equal access in the field of education. More men withdraw from school prior to completion of Grade 12 than women.

297. Between 1983-84 and 1988-89, the percentage of women entering university increased from 48.3 percent in 1983-84 to 53 percent in 1988-89 for undergraduate studies and has jumped from 33.8 percent in 1983-84 to 42.2 percent in 1988-89 for graduate studies.

298. Women continue to avail themselves of training programs sponsored by the Canadian Employment and Immigration Commission and delivered by provincial training institutions. In 1988-89, 898 women and 3,113 men enrolled in these programs. In 1989-90, the number of enrollments increased to 1,106 for women and remained at 3,138 for men.

299. As a result of the *Vocational, Trades, Technical and Technological Training Act*, R.S.N.S. 1989, c. 495, which passed in 1986, the province's vocational schools and institutes were given the status of community colleges. These 16 colleges provide post-secondary training and education at minimal fees. In 1989-90, 2,345 women registered for courses at these colleges.

300. The percentage distribution of teachers by certificate and sex continues to be dominated by women over men up to TC5 (Baccalaureate Degree and Baccalaureate in Education) while the reverse is true for men from TC6 - TC8.

301. Women continue to dominate the teaching profession (58.9 percent in 1987); however, their gain to higher categories of the teaching profession is slow with more men employed as vice principals, principals, supervisors, system consultants and assistant superintendents. There is now one woman in the position of superintendent.

302. The largest school board in the province hired its first Supervisor of Race Relations, Cross-Cultural Understanding and Human Rights in May 1990. The mandate of this position extends to both students and staff within the jurisdiction of the board and addresses professional development, policy design and implementation, and liaison. Part of the goal is to have a workforce reflective of the community it serves, to ensure a harassment-free environment in the school, to ensure that the curriculum is free of bias and to provide development for all staff.

303. The Human Rights Commission continues to conduct school conferences throughout the province with a view to increasing the students' and teachers' understanding of human rights. A total of 123 conferences have been conducted to date.

## Article 11

304. Reference has been made above under Article 3 to the *Pay Equity Act* passed in 1988.

305. The *Occupational Health and Safety Act*, R.S.N.S. 1989, c. 320, which passed in 1985, provides extended protection to employees at the workplace granting them the right to refuse to work if they have reasonable grounds for believing that the work may endanger their health or safety or the health or safety of any other employee.

306. The Department of Community Services, in March 1990, provided a salary enhancement grant to day care workers employed in non-profit day care centres. The grant, which improves salaries for day care workers by up to \$5,000, is to be phased in over a two year period.

307. In April 1990, a Round Table on Day Care was created. The 13-member Round Table, represented by members of the day care community, through its committees on training and certification, legislation, salaries and subsidized spaces and family day care, will be submitting its final report to the Ministry of Community Services in April 1991.



308. Members of the Round Table, in the Fall of 1990, participated in the Ministerial Consultations on Day Care held throughout the province.

309. As a result of revised criteria, more families, including low-income as well as middle-income, now qualify for subsidized day care.

310. As of December 1989, female provincial civil servants who are eligible to receive maternity benefits under the federal *Unemployment Insurance Act* are now paid an allowance through the Supplementary Unemployment Benefits (SUB) Plan while on maternity leave. The SUB Plan consists of payments equivalent to 75 percent of her weekly rate of pay for the first two weeks of leave and payments equivalent to the difference between the weekly unemployment insurance benefits and 95 percent of her weekly rate of pay for an additional 15 weeks.

311. Both the Nova Scotia *Labour Standards Code*, R.S.N.S. 1989, c. 246, and the *Human Rights Act* provide protection to women in the area of employment who take temporary leave from work for the birth of a child.

#### Article 12

312. In October 1990, the Nova Scotia Provincial Court ruled in the *Queen v. Dr. Henry Morgentaler* that regulations made under the *Medical Services Act* requiring that abortions be performed in a hospital were outside the constitutional authority of Nova Scotia under the division of powers between the federal and provincial governments, as set out in the *Constitution Act, 1867*.

313. In Nova Scotia, since 1987, seven women have contacted AIDS. Although there are no specific programs designed for women with AIDS, or women with HIV-infected relatives or relatives with AIDS, the programs available to the public are being used by women.

314. The Maternal and Child Health Care Program is the primary prevention program of the Nova Scotia Department of Health and Fitness. This program includes prenatal education in the homes and in clinics, postnatal and infant home visiting and health assessment and supervision throughout the province of Nova Scotia. Parents of all new born children in the province receive a pamphlet on proper nutrition care for young babies.

#### Article 14

315. Programs operated by provincial government departments are available to women throughout the province, whether they reside in cities, towns or villages requiring little or very little travel by women to obtain services.

#### Article 16

316. The new *Children's Services Act*, R.S.N.S. 1989, c. 68, passed in 1990, provides greater opportunity for parents to raise their children and to receive the help they need rather than have their children taken away from them to be raised by someone else. The Act provides a clear statement of government policy respecting children and families and precise definitions of what constitutes the best interest of a child and a child in need of protection.

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## 4. NEW BRUNSWICK

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### Article 2(b)

317. The New Brunswick *Human Rights Act* continues to prohibit discrimination on the basis of sex and marital status. The proportion of complaints received by the Human Rights Commission continues to be above 20 percent of the total case load. The largest portion of this number falls into the category of sex discrimination in employment.

### Article 3

318. The Women's Directorate is an internal government mechanism whose role is to co-ordinate policy relating to women's issues. The Directorate actively works toward improving the social and economic condition of women in New Brunswick. To underscore the importance of the Women's Directorate functions, the Directorate was designated as a separate government department in 1988 and is now headed by a deputy minister.

### Article 4.1

319. Since 1986, the New Brunswick government has been implementing an employment equity program to improve the status of women in the Civil Service. The period covered by the first three-year departmental action plan ended on December 31, 1989. Departments are submitting new action plans to Board of Management covering the period from April 1, 1990 to March 31, 1993.

320. Significant progress has been made in the status of women's employment in the Civil Service as a result of these initial employment equity initiatives.

321. Highlighting the year 1989 shows a general increase in women's representation from 38.2 percent to 39.6 percent. Notable increases were recorded in under-represented categories including senior and middle management levels and technical categories such as engineering, cartography, and assessing.

322. In spite of some gains, women continue to be concentrated in clerical and secretarial jobs. Although women's representation in these categories declined by 3.2 percent, over half of all female civil servants (53.1 percent) are in this category.

### Article 5(a)

323. During 1986-87, a number of initiatives were undertaken by the Province of New Brunswick relating to sex-role stereotyping, including the establishment of a committee. The committee has completed its work by formulating a policy and specific guidelines to assist government departments in the elimination of stereotyping from government publications.

### **Article 7(b)**

324. See Article 4.1.

### **Article 7(c)**

325. Representation of women in trade unions, professional associations and political parties continues to remain below the proportional representation of men, but progress is noted between the period 1985 and 1989. In 1985, women represented 33.4 percent of union membership in the province. By 1989, this representation had increased to 37.8 percent.

### **Article 10**

326. Increasingly, women in New Brunswick are attending university and obtaining degrees. Between 1970 and 1988, there was an increase of 133.5 percent in the number of women with university degrees compared to an increase of 12.1 percent in the number of men. In 1988/89, more than half (53.7 percent) of the full-time and part-time students enrolled in New Brunswick universities were women.

327. Despite women's continued enrolment in traditional fields of study in universities in New Brunswick, there has been a trend toward increasing female enrollment in science, business, law, engineering, forestry, and other non-traditional areas.

328. In 1987/88, there was more than three times the percentage of women in business, more than four times the percentage of women in forestry, almost five times the proportion of women in law, and over ten times the percentage of women in engineering than in 1971/72.

### **Article 11(d)**

329. The *Pay Equity Act* proclaimed in 1989 applies to most employees in the New Brunswick public service. The Act is designed to eliminate gender-bias in pay for female-dominated classes by objectively comparing male- and female-dominated job classifications.

330. The Act stipulates a three-step process for implementation of pay equity, including:

- (a) selection of a job evaluation
- (b) evaluation of targeted job classes, and
- (c) negotiation of pay adjustments with each union.

331. To date, 200 job classes have been identified as subject to the Aiken evaluation method. In addition, the Job Evaluation committee has been named along with a joint labour-management committee to oversee responsibility of the 200 evaluations which are scheduled to begin in September 1990. Completion is scheduled for December 1, 1990.



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## 5. QUÉBEC

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332. As required by article 18 of the *Convention on the Elimination of All Forms of Discrimination against Women*, the Government of Québec submits this update on legislative and other measures adopted to give effect to the provisions of the Convention and on progress made in terms of concrete results since the last report was submitted in 1988.

333. First, before enumerating accomplishments, it is important to provide a clear picture of the government mechanisms having to do with the status of women in Québec. In this regard, readers are referred to paragraphs 450 and 451 of the Second Report of Canada and to appendix 1 to the present report.

334. The year 1987 marked a turning point for the status of women in Québec. In organizing its activities, the Government decided that year to adopt a mid-term perspective by presenting three-year plans, accompanied by one-year action plans.

335. The planning document is the result of wide-ranging consultation that was based on priorities indicated by women's groups and on consideration by departments and agencies of which directions should be taken during the 1987-90 period. This document contains the comprehensive vision of the Government on the status of women and constitutes the groundwork for all its activities in this field.

336. Government activities are guided by the following overall objectives: to ensure the economic equality of women and promote their financial independence; to recognize the specific status of Québec women and, where appropriate, to remedy situations in which women are disadvantaged; to guarantee access to services adapted to women's needs; and to help change mentalities and attitudes. The implementation of these objectives in some important sectors may be categorized under the following themes: women's groups, essential partners; equality between spouses; equality in education; equality in work and income security; services adapted to women's situation; and the government as employer.

337. In taking this new approach, the Government indicated that women's situation must be taken into account, beginning with the earliest stages in the process of developing legislation, policies and government programs. In this way, the Government reaffirmed its intention to ensure true equality for Québec women and thus make possible new, egalitarian relations between women and men.

### Article 2(b)

338. Over the period covered by this report, Québec's Commission des droits de la personne [human rights commission] continued to receive and investigate complaints of discrimination. For 1987, 1988 and 1989, statistics show that discrimination based on sex is a frequent ground for complaint (Appendix 2).

339. As well as conducting investigations, the Commission continued its work of managing information and education programs in the workplace dealing in particular with pay equity programs, sexual harassment and discrimination.

### Article 2(f)

340. In 1989, section 108.3 of the *Act respecting the Québec Pension Plan*, R.S.Q., c. R-9, was amended in order to make eligible for a surviving spouse's pension, starting on January 1, 1984, any person who had ceased to be entitled to it on December 31, 1983 by reason of remarriage.

341. With regard to school elections, the ineligibility of spouses for positions as commissioners or school trustees was abolished in 1989 with the adoption of *An Act respecting school elections*, S.Q. 1989, c. 36, which replaced on this subject the *Education Act*, R.S.Q., c. I-13.3.

### Article 3

342. In order to alleviate the insecurity and economic dependence experienced by a number of disadvantaged people, many of whom are women, a reform of income security was introduced in 1988. This reform includes three separate programs:

- (1) Benefits under the financial support program for persons unable to work for long periods because their physical or mental health has been significantly impaired were increased.
- (2) The purpose of the Actions positives pour le travail et l'emploi (APTE) [affirmative work and employment action] program is to help its beneficiaries re-enter the labour force. The program is aimed at persons who are able to work and temporarily unavailable because of their health or age, or because they have children of preschool age. The program takes women's situation into account by recognizing the temporary unavailability of beneficiaries who are responsible for children of preschool age, as well as the difficulties experienced by persons between 55 and 64 years of age in re-entering the labour force.
- (3) The Aide aux parents pour leurs revenus de travail (APPORT) [labour income assistance to parents] program has replaced the Supplément au revenu de travail (SUPPRET) [supplement to labour income] program. This program is aimed solely at male and female low-income earners who are responsible for children. Its objective is to create a difference between labour income and social assistance benefits large enough to encourage parents to enter and remain in the labour force. Unlike the former program, it partially covers the costs of child day care and provides for the monthly payment of benefits.

### Article 4

343. The three-year plan to promote the development of voluntary affirmative action programs in the private, parapublic and municipality-related sectors, adopted by the Government in 1986, made it possible to develop such programs in 16 private businesses covering over 400 establishments and plants, 13 municipalities and municipality-related organizations covering over 65 percent of all municipal employees in Québec, 10 establishments in the health and social services network, 18 colleges and universities, and 18 school commissions.



344. Although it is still too early to measure the actual impact of these programs on improving the representation of women in various employment categories and eliminating systemic discrimination, these initiatives have made progress possible in those two areas. Most importantly, they contribute to a better understanding of systemic discrimination and its effects on the advancement of certain disadvantaged groups. In early 1991, the Minister Responsible for the Status of Women and Minister Responsible for the Family will release a report evaluating these 76 pilot projects.

345. The Government of Québec, in its role as an employer, has also committed itself to setting up an affirmative action program in the public service. Announced in September 1987, this program includes numeric representation objectives for the following employment categories: senior managers, professionals and teachers, labour personnel and peace officers.

346. This public service program, which covered the three-year period from 1987 to 1990, has helped increase the representation of women in each of the target employment categories. Representation of women in the senior management category stood at 7.2 percent in March 1987 and at 8.5 percent in March 1989. Over the same period, representation of women rose from 20.8 percent to 23.2 percent in the professional category, from 28.4 percent to 30.4 percent among teachers and from 5.3 percent to 5.8 percent for officers of the peace. Among labour personnel, women's representation rate remained steady at 1.1 percent (Appendix 3).

347. In April 1989, the Government of Québec announced the implementation of a contractual obligation policy. This policy applies to all for-profit organizations having over 100 employees and wishing to bid on contracts for goods or services or to obtain a grant of over \$100,000, and requires that they commit themselves to setting up an affirmative action program in accordance with the Québec *Charter of Human Rights and Freedoms*. The commitment takes effect on the day the organization obtains a contract or a grant. If an organization fails to respect its commitment, the policy stipulates that its name shall be removed from the inventory of government suppliers for at least two years.

348. In October 1990, some 125 organizations had signed a certificate of commitment; of that number, 61 had obtained a contract or grant and had therefore begun to set up an affirmative action program.

349. Lastly, studies are being conducted in order to determine how such a policy could be applied in the construction sector.

#### **Article 7(a)**

350. In the municipal sector, the representation of women rose slowly. In 1987, 5.4 percent of mayors were women. This rate rose to 5.6 percent in 1989. In 1987, 14.2 percent of councillors were female; in 1989, this figure stood at 14.3 percent (Appendix 4).

#### **Article 7(b)**

351. Progress in the representation of women in the public service is irregular. In 1986, 16.6 percent of executive positions were occupied by women. For 1987, 1988 and 1989, the respective



representation rates of women were 9.9 percent, 17.5 percent and 14.4 percent. In 1987 and 1988, no deputy ministers were women. In 1989, two women were deputy ministers, thus accounting for 8.3 percent of such positions. In general, the rate of participation by women is inversely proportional to the hierarchical level of executive positions (Appendix 5).

352. Among judges, progress is also irregular: women judges accounted for 6.3 percent of this group in 1986, 5 percent in 1987, 6.9 percent in 1988 and 6.3 percent in 1989 (Appendix 6).

353. At the political level, the 18 women elected to the National Assembly in the 1985 election represented 14.7 percent of all members elected. In the most recent election, held in 1989, the 23 women elected accounted for 18.4 percent of all members elected. As well, in 1985 four women (14.3 percent) were ministers; their number rose to six (20 percent) in 1989.

## **Article 8**

354. The Government encourages greater participation in international activities by Québec women. The Québec Department of International Affairs has assisted the participation of women in such activities by providing technical and financial support (Appendix 7).

## **Article 10**

355. The major education objectives contained in the three-year (1987-90) plan on the status of women and its accompanying one-year action plans were to promote fairer representation of women at all levels and in all disciplines, and to promote and support qualifying training aimed at bringing women into the labour force. These objectives have given rise to a series of measures affecting education in general, vocational training, recognition of experience, response to the needs of certain specific client groups, and research.

### **Article 10(a)**

356. With regard to vocational training, the Government of Québec has intensified its activities in order to encourage Québec women of all ages to diversify their occupational choices, particularly in the fields of science and technology.

357. The main means of doing so are producing educational and vocational guidance tools (folders, brochures and videos), raising the awareness of the various professionals involved, and distributing research on women who have opted for non-traditional training. As well, specialized counselling services for women continue to be offered by programs and services of which they constitute a target group (Transition-travail [work transition], Initiation aux métiers non-traditionnels [introduction to non-traditional jobs], and Services externes de main-d'oeuvre (SEMO) [outside employment services] for women).

358. In order to support occupational diversification, various programs facilitating women's entry into training or employment in non-traditional sectors have been developed. With regard to job readiness training, introductory programs to non-traditional jobs at the secondary and college levels, and technological careers programs at the college level, have been offered. With regard to education preparatory to vocational training, programs leading to the secondary school diploma,

secondary school upgrading programs, and preparatory programs at the college level for technological training have been offered.

359. Lastly, recognition of experience is considered one of the most effective means of facilitating women's entry and rapid progress in a training program or on the job. The development of tools and services that make it possible to recognize educational and extra-curricular experience when a person is returning to school or re-entering the labour force has been intensified. The specific needs of women in this area have been given special attention by all partners concerned. Research projects and experimental projects have been conducted in order to make possible the recognition of experience from work in the home or as a volunteer.

#### Article 10(c)

360. Activities aimed at making school personnel, parents and students aware of sexist stereotypes have been undertaken in the schools. A video entitled "D'amour et d'argent" [about love and money] and a teacher's guide to its use, aimed at making secondary school students aware of the need to be actively responsible for their financial independence, were produced in 1988 and included in the economics curriculum. A guide to educational activities, designed for teachers of grades 4 to 6 and aimed at developing students' critical faculties with regard to sexism in their daily lives, was published in the fall of 1989.

361. As well, activities whose purpose is to eliminate sexist stereotypes in educational material were carried out. A guide to non-sexist alternatives, for producers of educational material, was published in the spring of 1988 by the Department of Education.

362. Lastly, activities to combat sexist stereotypes outside the school environment were undertaken, especially in the media. Articles on the evolution of women in the media were published in 1988, 1989 and 1990 in the Bulletin des communications, which has a readership of 2,500 decision-makers in the field of communications.

#### Article 10(d)

363. In 1989, the Government of Québec implemented a reform of financial assistance to students. This reform included several provisions whose impact on women is positive: a higher level of eligible expenses, including child day care expenses; changes to the calculation of spousal contribution; elimination of the minimum contribution for a student with a child; advance payment, as early as June, of a portion of the assistance for heads of single-parent families; and the creation of a new bursary program for part-time university students.

364. Since 1987, and in order to highlight the accomplishments of adolescent women in the sciences, the Irma Levasseur prize has been awarded by the Minister Responsible for the Status of Women. The prize provides \$1,000 to each winner; women students who submit projects for science fairs organized by the Conseil de développement du loisir scientifique [council for the development of science in leisure] are eligible.

365. Lastly, the program to support the development of scientific and technical culture and the program of subsidies to scientific magazines, administered by the Department of Higher Education



and Science, now include conditions that encourage the dissemination of information about women's participation in, and contribution to, the sciences, as well as greater female readership.

#### Article 10(e)

366. In order to provide continuing education services that are better adapted to women's needs, the Government of Québec has ensured that those needs are taken into account where adult educational services are offered. In order to accomplish this objective, the Government actively supported women's participation in regional round table discussions on education and labour whose participants included regional representatives from the three major systems providing adult educational services (Education; Higher Education and Science; and Labour, Income Security and Vocational Training). It also encouraged women's involvement in the Services régionaux d'accueil-référence [regional reception and reference services], which are a unified source of educational and occupational information for adults and help provide counselling and guidance for adults returning to school.

#### Article 11

367. In order to alleviate the worsening financial situation of minimum-wage earners, the minimum hourly rate was raised from 1986 to 1989 from \$4.35 to \$4.55, \$4.75 and \$5.00 on October 1 of those years. Over the same period, the hourly rate for workers who receive tips was raised from \$3.63 to \$3.83, \$4.03 and \$4.28. Lastly, the minimum weekly rate payable to a domestic residing in the home of the employer was raised from \$150 to \$161, \$172 and \$186 from 1986 to 1989. These successive increases in the minimum wage benefit mainly women, who account for 60.9 percent of minimum-wage earners.

#### Article 11.1(d)

368. Québec gives priority to affirmative action programs as a means of ensuring employment equity. Pay equity is an important component of this objective, and in accordance with that principle, **employers are now required** to identify and eliminate human resources management policies and practices that have a discriminatory effect on women and other target groups. This requirement implies that an organization's human resources management system will be corrected in accordance with an analysis, the purposes of which, among others, are to ensure that salary policies are in conformity with section 19 of the Charter and to detect the existence of pay inequities between men and women.

369. Québec has introduced both affirmative action and pay equity. Evaluations of pilot projects will enable the Government to propose ways for Québec to set up mechanisms that will effectively achieve employment equity.

370. In the public and parapublic sector, pay equity was the main theme of collective bargaining in 1989. Parity committees were set up, and the approach adopted by both parties made it possible to implement pay equity in all employment categories, whether comprised mainly of women or not.



371. By the fall of 1990, the pay equity policy has produced the following results:

- 150,000 (80 percent of them women) of a total of 180,000 employees of both sexes whose positions were evaluated benefited from an adjustment.
- A limit of 2.5 percent was set on adjustments in any given employment category for 1990 and 1991.
- The cost of these adjustments has led to increases in the basic parameters of 0.9 percent in 1990, 0.6 percent in 1991 and 0.5 percent in 1992 (the first year of the next collective agreement), which represent an additional expenditure of \$250 million.
- Of that \$250 million, one-third will go to the nurses' group alone.
- It is estimated that the costs of adjustments that may be indicated by the completed evaluations of employment categories still under study will correspond to 0.4 percent of aggregate remuneration.

372. The total cost of pay equity could amount to 2.5 percent of aggregate remuneration; adjustments will be phased in over a minimum of three years.

#### **Article 11.1(e)**

373. A complete reorganization of the legislative standards applicable to private pension plans was made by means of the *Supplemental Pension Plans Act* (R.S.Q., c. R-15.1). Certain elements of this reorganization are of particular benefit to women. Now, part-time workers, many of whom are women, may become members of a pension plan. As well, the rule regarding the investment and vesting of pension credits accumulated through employee and employer contributions has been made more flexible. The purpose of making this rule more flexible is to enable more women, whose participation in the labour force is punctuated by absences of varying duration in order to care for young children, to improve their economic position on retirement. This act also provides for payments to the surviving spouse on the death of a member of a pension plan. Since women's life expectancy is higher than that of men, this provision will help improve their economic position.

#### **Article 11.2(b)**

374. The income security program created in 1986 under the James Bay and Northern Québec Agreement, by means of the *Act respecting Income Security for Cree Hunters and Trappers* (R.S.Q., c. S-3.2), constitutes a special economic measure whose purpose is to guarantee income security for these hunters and trappers while promoting the survival and maintenance of a traditional way of life.

375. An amendment of the Agreement and the Act entitles a native woman registered for the income security program to maternity benefits if she becomes unable to participate in these activities because of pregnancy, the after-effects of pregnancy or the need to care for her child.

### **Article 11.2(c)**

376. In May 1989, the Government released a policy statement on child day care services entitled "Pour un meilleur équilibre" [for a better balance] that specified the government's approach to making co-ordinated development, enhanced quality and improved funding for child day care a reality.

377. The main elements of the policy are: development of 60,830 spaces over a seven-year period, with priority given to spaces in workplaces and schools; implementation of regional planning, in co-operation with community partners; a special budget within the funding formula, equivalent to one percent of aggregate remuneration, for staff training and development; a more generous assistance and tax exemption program for parents; amendment to the funding formula for not-for-profit child day care centres (a basic subsidy plus 30 percent of actual income from child day care); and experiments on new approaches to child day care adapted to the needs of various client groups. On March 31, 1989, child day care services in Québec provided a total of 75,228 spaces: 40,666 in day care centres, 5,423 in home-day care, and 29,139 in school-day care.

### **Article 12**

378. Providing fully appropriate medical response to the problems experienced by women is important to the Government.

379. Government objectives were to ensure that care given to women is adapted to their particular needs and to fight sexist stereotypes that prevail in the social and health services.

380. In order to achieve these objectives, several activities have been undertaken, most importantly in the following fields: mental health; new reproductive technologies; sexually transmitted diseases (STDs) and AIDS; development of research and prevention programs specifically oriented toward women's health; and spousal and sexual violence.

381. With regard to mental health, a new policy and action plan were unveiled. A task force was set up to study the particular mental health patterns of men and women and appropriate treatment for these two client groups. A training program on treatment for women, aimed at professionals working in the network, was developed, and implementation of some measures contained in the action plan was begun in the regions. In addition, a three-month mental health awareness campaign was conducted; in it, the person with mental health difficulties was portrayed by a young woman.

382. In 1989, the Department of Health and Social Services published the principles that will guide its activities in the field of new reproductive technologies. The most important and most immediate guidelines have to do with the prevention of infertility and sterility, a ban on pregnancy contracts, a limit on the number of centres offering new reproductive technologies, restrictions governing donations of gametes, prevention of human immunodeficiency virus (HIV) infection in donated sperm and, lastly, research on embryos.



383. The incidence of sexually transmitted diseases (STDs) has risen considerably, most notably because of AIDS. A major information campaign covering a three-year period dealt with preventing STDs and AIDS. The first phase of this campaign took place in 1987/88. The Centre québécois de coordination sur le SIDA [Québec co-ordinating centre on AIDS], whose mandate is to advise the Minister of Health and Social Services regarding AIDS and to co-ordinate action plans to combat AIDS, was set up in 1989. The Centre organized a forum entitled "Les femmes et le SIDA" [women and AIDS]. As well, a comprehensive action program to reduce the incidence of STDs through awareness, detection, treatment and research was carried out.

384. The main research programs oriented toward women's health dealt with elderly persons and perinatal care.

385. In 1989, a task force submitted a report on abuse of the elderly. The report included recommendations and measures whose purpose is to prevent or remedy situations where abuse occurs, to monitor the network of unregulated accommodation, to improve the quality of services provided in accommodation, to make it easier for elderly persons to exercise their rights, and to recognize afresh the worth of those persons. It should be noted that there are more elderly women than men, and that elderly women are more often poor.

386. With regard to perinatal care, research and reports on perinatal morbidity and mortality, pregnancy among adolescent women, and the post-natal period were published. Development of a basic birth planning services program was also begun.

387. Spousal and sexual violence is a phenomenon that particularly affects women. Although some activities have been carried out, much remains to be done. In this field, the Government has set the following objectives: to ensure the safety and protection of victims of violence and criminal acts, to improve social and judicial services for victims and their aggressors, and to break down stereotypes surrounding violence against women.

388. To that end, financial support was increased for shelters for women who are in difficulty or victims of violence and for centres for assistance and the fight against sexual assault. A Québec-wide information campaign was conducted in order to raise public awareness of the phenomenon of spousal violence. In order to refer victims of spousal violence to appropriate assistance services, a hot line service called "SOS Spousal Violence", accessible from all parts of Québec, was opened in December 1987. This service is provided at no cost and is accessible at all times through a single number in all regions of Québec.

389. An information and awareness campaign was conducted to support native women in Québec in their fight against family violence. As well, a co-ordinator of activities addressing family violence, whose job is to work with the local authorities in native communities, was hired.

390. In June 1988, the Government adopted the *Act respecting Assistance for Victims of Crime* (R.S.Q., c. A-13.2). This act not only clearly recognizes the rights and responsibilities of victims of criminal acts, but also created the Bureau d'aide aux victimes d'actes criminels [bureau of assistance to victims of criminal acts], whose principal mandate is to promote the rights of victims and to ensure that the activities of individuals, departments and agencies offering services to victims are co-ordinated. In addition, the Bureau is to promote the establishment of centres in all



regions of Québec providing assistance to victims of criminal acts and run by community organizations, and to provide these centres with appropriate professional and technical support.

### **Article 12.2**

391. In order to address the problems of disadvantaged pregnant women, the first two phases of a nutrition assistance program for pregnant women in economically disadvantaged situations were introduced on an experimental basis in certain regions. Once the results of these experiments are evaluated, a decision on the advisability of implementing this program throughout Québec will be made.

### **Article 13(b)**

392. Although the incidence of overt discrimination by financial institutions against women has clearly been reduced, dissatisfactions do remain. In 1988, aware of the fact that limited access to credit entails some degree of economic marginalization, the Secrétariat à la condition féminine [secretariat on the status of women] published a brochure whose purpose was to inform women not only of their rights regarding credit but also of the way the system works, so that they can make full use of it.

### **Article 13(c)**

393. In order to follow up on the work of the Comité sur les femmes, le sport et l'activité physique [committee on women, sports and physical activity], the Government introduced an action plan in June 1989. The plan contains several incentives aimed at making the sports community aware of the specific situation of women and at enhancing women's participation on boards of directors and in the management of sports federations.

394. Moreover, since December 1989, the Viactive [active life] program has been implemented in community health departments throughout Québec. This program enables the elderly to take charge of their physical activity regimen. Most of this client group by far (80 percent) is female.

### **Article 14**

395. In order to promote access by farm women to ownership of farm businesses at which they work along with their spouses, a brochure entitled "Incidences fiscales au moment du partage d'actifs entre conjoints et durant la coexploitation" [Tax considerations when assets are divided between spouses and during joint operation] was published in November 1989.

396. In 1990, *An Act to amend the Farm Producers Act* was adopted, S.Q. 1990, c. 74. Section 1 of this act authorizes the creation of specialized syndicates whose object is the study, defence and promotion of interests which relate to the status of women.

### **Article 16.1**

397. In 1980, at the conclusion of lengthy study by the government, the passage of a new Civil Code reforming family law enshrined the legal equality of women in marriage. This achievement

of legal equality did not automatically lead to greater economic equality. As a result, in January 1987, the Comité interministériel sur les droits économiques des conjoints [interdepartmental committee on the economic rights of spouses] was set up; its mandate was to suggest various possible legislative amendments that would ensure fair and equitable treatment of each spouse on dissolution of the marriage. On July 1, 1989, the *Act to amend the Civil Code of Québec and other legislation in order to favour economic equality between spouses*, S.Q. 1989, c. 55, came into force. This act applies to all spouses regardless of their matrimonial regime; its purpose is to promote economic equality between spouses and to underline the character of marriage as a partnership. Under this act, marriage entails the establishment of a family patrimony consisting of certain property of the spouses regardless of which of them holds a right of ownership in it. The property that constitutes the family patrimony is the principal residence and the secondary residence or the rights that ensure the family dwelling, all furniture destined to furnish or decorate the principal family residence, the motor vehicles used for family travel, and the benefits accrued during the marriage under a public or certain other retirement plans. In the event of separation or dissolution or annulment of the marriage, the value of the family patrimony is equally divided between the spouses or between the surviving spouse and the heirs, as the case may be.

398. Other measures were adopted as well. The rules regarding the compensatory allowance were amended in order to allow a spouse who contributes to running in a business to exercise the right to the compensatory allowance during the marriage, from the time the co-operation ends. Formerly, this right could be exercised only on dissolution of the marriage or on separation.

399. Lastly, the Act introduces the concept of survival of the obligation to provide support, which entitles every one who was a creditor of support to claim a financial contribution as support from the succession.

400. Elsewhere, measures regarding the indexing and collection of support payments were enacted. In 1987, a system of automatic collection from defaulting debtors was introduced in order to improve the financial security of individuals, most of them women, who had obtained a judgement granting them support. The collection officer is now responsible, not only for acting as garnisher, but for collecting support payments for one year from the date all arrears are paid. Furthermore, if the debtor defaults during that period, the one-year period begins again, starting on the date the default occurs. Where the creditor is receiving social assistance, the collection officer is responsible for collecting support payments as long as the social assistance is provided.

401. In order to maintain the actual monetary value of an obligation resulting from a judgement granting support payments, an automatic indexing system was introduced in 1988. At the beginning of each year, the amount granted by the judgement will be indexed according to the annual pension index. However, the court retains discretion to impose a lower rate of indexation or to refuse indexing. This discretion may be exercised only if the application of the legal index creates a serious distortion between the needs of the creditor and the capacity of the debtor.

**TABLE 1**  
**REPRESENTATION OF WOMEN ON ELECTED PUBLIC BODIES**

National Assembly	Municipal Councils (Mayors and Councillors)			School Boards
1989	1987	1988	1989	1987
18.4%	5.4% 14.2%	5.5% 14.1%	5.6% <sup>(1)</sup> 14.3% <sup>(2)</sup>	41.6%

- (1) Mayors  
(2) Councillors

**TABLE 2**  
**REPRESENTATION OF WOMEN IN THE JUDICIARY**

Federal Appointments (Superior Courts)*			Provincial appointments (Lower Courts)		
Women Judges	Total No. of Judges in Office	%	Women Judges	Total No. of Judges in Office	%
8	153	5.2%	19	275	6.9%

\* As of April 1, 1989

**TABLE 3**  
**WOMEN IN EXECUTIVE POSITIONS IN GOVERNMENT**

Ministers (Appointed from among elected members of the National Assembly)	Deputy Ministers Associate Deputy Ministers (Appointed from within the Public Service)	Assistant Deputy Ministers (Appointed from within the Public Service)
Women/Total 1989	Women/Total 1989	Women/Total 1989
6/30 (20.0%)	6/54 (11.1%)	10/90 (11.1%)



## APPENDIX 1

### Minister Responsible for the Status of Women and Minister Responsible for the Family<sup>1</sup>

<sup>1</sup> Minister Responsible for the Status of Women and Minister Responsible for the Family has ensured that there is an officer responsible for the status of women in the policy offices of the departments concerned

Secretariat on the  
Status of Women<sup>3</sup>

Status of Women Council<sup>2</sup>

Child Care Services Bureau<sup>4</sup>

<sup>3</sup> Created in 1979, the Secretariat is responsible for assisting the Minister Responsible for the Status of Women and Minister Responsible for the Family in her duties of co-ordinating and developing government activities pertaining to the status of women

<sup>2</sup> Created in 1973, the Council is a body responsible for advising and making recommendations to the Minister on all matters regarding equality and respect for the rights and status of women

<sup>4</sup> Created in 1979, the Bureau is legally responsible for child day care services: for ensuring that good quality services are provided, promoting development of those services that is harmonious with other family policies, and applying legislation and regulations

Several Departments have appointed a person or group to be responsible for matters pertaining to the status of women. The role of these officers is to ensure that relevant measures and policies are developed and co-ordinated and that these policies are compatible with women's rights and interests.

#### Five Status of Women Offices

#### One Women's Entrepreneurship Directorate

#### Fifteen Departmental Officials

- Department of Agriculture, Fisheries and Food
- Department of Education
- Department of Higher Education and Science
- Department of Labour, Income Security and Vocational Training
- Department of Health and Social Sciences

- Department of Industry, Trade and Technology

- Department of Cultural Affairs
- Department of Municipal Affairs
- Department of Supply and Services
- Department of Cultural Communities and Immigration
- Department of Communications
- Treasury Board
- Department of Environment
- Department of Justice
- Human Resources Bureau
- Department of Public Security
- Department of Labour
- Secretariat for Native Affairs

Legend: Line Reporting Relations  
Staff Reporting Relations

**SOURCE:** The government's Status of Women Action Plan, 1986-87, updated by the Secrétariat à la condition féminine on September 11, 1990.

## APPENDIX 2A

### Breakdown of Cases Opened in 1987 by Sector and Grounds for Montréal, Québec City and the Regions

#### Sectors

	Labour	Accommo- dation, Goods and Services	Transpor- tation, Public Places, Access	Public Notices	Others	Total	%
<b>GROUND</b>							
Age	49	10	2	0	2	63	8.6%
Criminal Record	15	0	0	0	1	16	2.2%
Social Condition	5	18	0	0	0	23	3.2%
Political Conviction	12	0	1	0	2	15	2.1%
Civil Status	42	10	1	0	12	65	8.9%
Exploitation	0	1	0	1	6	8	1.1%
Pregnancy	15	0	0	0	0	15	2.1%
Handicap	105	13	18	0	6	142	19.5%
Harassment	122	11	11	1	10	155	21.3%
Language	13	1	1	0	0	15	2.1%
Multiple Grounds	16	5	1	1	19	42	5.8%
Sexual Orientation	3	1	0	0	2	6	0.8%
Ethnic and National Origin	11	3	0	4	2	20	2.7%
Race or Colour	25	12	6	0	4	47	6.4%
Religion	4	3	1	0	0	8	1.1%
Sex	78	3	3	3	2	89	12.2%
<b>Total</b>	<b>515</b>	<b>91</b>	<b>45</b>	<b>10</b>	<b>68</b>	<b>729</b>	<b>100%</b>
<b>Percentage</b>	<b>70.6%</b>	<b>12.5%</b>	<b>6.2%</b>	<b>1.4%</b>	<b>9.3%</b>	<b>100%</b>	

SOURCE: Commission des droits de la personne du Québec, Rapport annuel 1987, Les Publications du Québec, Québec, 1988, p. 39.

## APPENDIX 2B

### Investigation Cases Opened in 1988 Breakdown of Complainants by Sector and Grounds (677 complainants\*)

#### Sectors

	Labour			Accommodation, Goods and Services			Access, Transportation, Public Places			Public Notices			Others		
Complainants**	W	M	O	W	M	O	W	M	O	W	M	O	W	M	O
Grounds															
Handicap	29	82	5	3	7	2	5	9	2	-	1	-	3	2	3
Harassment	40	10	29	1	2	-	3	7	-	-	-	-	4	11	-
Sex	48	9	7	5	2	-	-	-	-	-	-	-	-	-	-
Civil Status	18	27	3	4	6	1	-	-	-	1	-	-	-	-	-
Age	12	28	7	4	4	-	3	2	-	-	-	-	-	-	-
Race or Colour	10	12	-	4	5	1	1	4	-	-	-	-	2	6	2
Criminal Record	2	35	1	-	-	-	-	-	-	-	-	-	-	-	-
National or Ethnic Origin	9	13	-	3	1	-	1	-	-	-	-	-	-	5	-
Pregnancy	28	-	2	-	-	-	-	-	-	-	-	-	-	-	-
Social Condition	1	6	-	5	7	1	-	1	-	-	-	-	3	-	-
Exploitation	-	-	1	-	-	-	-	-	1	-	-	-	2	1	7
Sexual Orientation	1	3	-	-	-	-	1	1	-	-	-	-	1	-	-
Religion	1	3	-	-	-	-	-	-	-	-	-	-	1	2	-
Political Convictions	2	3	-	-	-	-	-	-	-	-	-	-	-	-	-
Language	2	1	-	-	1	-	-	-	-	-	-	-	-	-	-
Multiple Grounds	4	4	2	1	3	-	-	-	-	-	-	-	-	1	4
<b>Total</b>	<b>207</b>	<b>236</b>	<b>57</b>	<b>30</b>	<b>38</b>	<b>5</b>	<b>14</b>	<b>24</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>16</b>	<b>28</b>	<b>16</b>
	% Sector			% Sector			% Sector			% Sector			% Sector		
	41.4	47.2	11.4	41.1	52.0	6.9	34.2	58.5	7.3	50	50	0	26.7	46.7	26.7
<b>Total/Sector</b>	<b>500</b>			<b>73</b>			<b>41</b>			<b>2</b>			<b>60</b>		

\* The number of complainants is higher than the number of cases opened in 1988. This is because, in four cases, two persons made complaints about the same occurrences.

\*\* W: Women; M: Men; O: Organizations acting "in the name of another" under section 70 of the Charter.

SOURCE: Commission des droits de la personne du Québec, Rapport annuel 1988, Les Publications du Québec, Québec, 1989, p. 22.



## APPENDIX 2C

### Investigation Cases Opened in 1989 Breakdown of Complainants by Sector and Ground (908 complainants)\*

Sectors															
	Labour			Accommodation, Goods and Services			Access, Transportation, Public Places			Public Notices			Others		
Complainants**	W	M	O	W	M	O	W	M	O	W	M	O	W	M	O
Grounds															
Handicap	38	82	7	2	10	6	6	10	4	-	-	-	3	4	1
Harassment	61	41	14	10	7	-	4	-	-	-	-	-	9	11	1
Sex	58	16	40	2	1	-	-	1	-	-	-	-	8	4	-
Civil Status	44	14	3	9	5	1	1	-	-	-	-	-	1	-	-
Age	21	31	2	10	8	-	3	1	-	-	-	-	-	-	-
Race or Colour	8	16	3	3	2	-	4	1	-	-	-	-	11	15	4
Criminal Record	-	33	-	-	2	-	-	-	-	-	-	-	-	1	-
National or Ethnic Origin	8	12	1	3	3	-	-	1	-	-	-	-	-	6	4
Pregnancy	37	2	-	2	-	-	-	-	-	-	-	-	-	-	-
Social Condition	2	1	-	11	7	-	-	2	-	-	-	-	1	3	-
Exploitation	-	-	-	1	1	-	-	-	-	-	-	-	3	2	10
Sexual Orientation	-	9	1	1	3	1	1	1	-	-	-	1	-	5	-
Religion	3	7	3	2	1	1	-	-	-	1	1	-	3	-	-
Political Convictions	-	3	-	-	-	-	-	-	-	-	-	-	3	-	-
Language	8	5	-	1	1	-	-	-	-	-	-	-	-	-	-
Multiple Grounds	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	288	273	74	57	51	9	19	17	4	1	1	1	42	51	20
	% Sector			% Sector			% Sector			% Sector			% Sector		
	45.3	43.0	11.7	48.7	43.6	7.7	47.5	42.5	10.0	33.3	33.3	33.3	37.2	45.1	17.7
Total/Sector	635			117			40			3			113		

\* The number of complainants is higher than the number of cases opened in 1989. This is because, in some cases, two persons made complaints about the same occurrences.

\*\* W: Women; M: Men; O: Organizations acting "in the name of another" under section 70 of the Charter.

SOURCE: Commission des droits de la personne du Québec, 1989 - Éléments d'information sur les activités de la Commission des droits de la personne, juin 1990, p. 11.

### APPENDIX 3A

#### Breakdown of Regular Personnel in the Québec Public Service, by Employment Category and Sex (1987) <sup>(1)</sup>

	Men		Women		Total
Employment Category	N	%	N	%	N
Senior Managers	2,316	92.8	179	7.2	2,495
Managers and Middle Managers	1,968	86.1	317	13.9	2,285
Professionals	9,982	79.2	2,629	20.8	12,611
Teachers	300	71.6	119	28.4	419
Technicians	6,896	66.7	3,442	33.3	10,338
Office Personnel	4,155	23.9	13,257	76.1	17,412
Labour Personnel	4,075	98.9	46	1.1	4,121
Peace Officers	2,114	94.7	119	5.3	2,233
Other Public Servants	433	92.3	36	7.7	469

SOURCE: Office des ressources humaines, Présence des femmes, des hommes et des membres de groupes cibles dans la Fonction Publique du Québec, Volume 9, (1987), December 1987, p. 5.

(1) These data are taken from the Computerized Personnel Data Management System and are those used to issue the last pay of the 1986/87 fiscal year, ending on March 31, 1987.

Table prepared by the Secrétariat à la condition féminine.

### APPENDIX 3B

#### Breakdown of Regular Personnel in the Québec Public Service, by Employment Category and Sex (1988) <sup>(1)</sup>

	Men		Women		Total
Employment Category	N	%	N	%	N
Senior Managers	2,232	92.4	183	7.6	2,415
Managers and Middle Managers	1,882	85.3	324	14.7	2,206
Professionals	10,149	78.5	2,782	21.5	12,931
Teachers	292	70.2	124	29.8	416
Technicians	6,858	64.4	3,789	35.6	10,647
Office Personnel	3,944	23.2	13,044	76.8	16,988
Labour Personnel	3,822	98.9	41	1.1	3,863
Peace Officers	2,131	94.7	119	5.3	2,250
Other Public Servants	409	91.3	39	8.7	448

SOURCE: Office des ressources humaines, Portrait statistique de l'effectif régulier de la Fonction Publique du Québec, Volume 1, (1988), p. 3.

(1) These data are taken from the Computerized Personnel Data Management System and are those used to issue the last pay of the 1987/88 fiscal year, ending on March 31, 1988.

Table prepared by the Secrétariat à la condition féminine.



# APPENDIX 3C

## Breakdown of Regular Personnel in the Québec Public Service, by Employment Category and Sex (1989) <sup>(1)</sup>

	Men		Women		Total
Employment Category	N	%	N	%	N
Senior Managers	2,185	91.5	203	8.5	2,388
Managers and Middle Managers	2,077	85.3	345	14.2	2,422
Professionals	10,048	76.8	3,027	23.2	13,075
Teachers	286	69.6	125	30.4	411
Technicians	6,749	62.3	4,078	37.7	10,827
Office Personnel	3,755	22.7	12,785	77.3	16,540
Labour Personnel	3,596	98.9	40	1.1	3,636
Peace Officers	2,152	94.2	133	5.8	2,285
Other Public Servants	407	91.9	36	8.1	443

SOURCE: Office des ressources humaines, Portrait statistique de l'effectif régulier de la Fonction Publique du Québec, (1989), p. 11.

(1) These data are taken from the Computerized Personnel Data Management System and are those used to issue the last pay of the 1988/89 fiscal year, ending on March 31, 1989.

Table prepared by the Secrétariat à la condition féminine.

## APPENDIX 4

### Representation of Women on Municipal Councils

	Positions as Mayors			Positions as Councillors		
	Total Number Elected	Number of Women Elected	% of Women	Total Number Elected	Number of Women Elected	% of Women
1987	1,500	81	5.4	9,331	1,325	14.2
1988	1,491	82	5.5	9,383	1,323	14.1
1989	1,488	83	5.6	9,227	1,323	14.3

SOURCE: Department of Municipal Affairs, Research and Policy Directorate, November 1990.

Data are as of April 1 of each year.

Table prepared by the Secrétariat à la condition féminine.

## APPENDIX 5

### Breakdown of Executive Positions by Employment Category and Sex

	Deputy Ministers				Associate Deputy Ministers				Assistant Deputy Ministers				Directors of Organizations				Members of Organizations			
	Men		Women		Men		Women		Men		Women		Men		Women		Men		Women	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
1987(1)	28	100.0	-	-	24	88.9	3	11.1	88	95.7	4	4.3	28	82.4	6	17.6	50	82.0	11	18.0
1988(2)	23	100.0	-	-	26	89.7	3	10.3	86	88.7	41	11.3	22	78.6	6	21.4	52	82.5	11	17.5
1989(3)	22	91.7	2	8.3	24	85.7	4	14.3	80	88.9	10	11.1	27	81.8	6	18.2	67	81.7	15	18.3

SOURCE: 1. Office des ressources humaines, Présence des femmes, des hommes et des membres de groupes cibles dans la Fonction publique du Québec, Volume 9 (1987), December 1987, p. 13.

2. Office des ressources humaines, Portrait statistique de l'effectif régulier de la Fonction publique du Québec, Volume 1 (1988), p. 11.

3. Office des ressources humaines, Portrait statistique de l'effectif régulier de la Fonction publique du Québec, 1989, p. 21.

These data are taken from the Computerized Personnel Data Management System and are those used to issue the last pay of each fiscal year, ending on March 31, 1987, 1988 and 1989.

Table prepared by the Secrétariat à la condition féminine.



## APPENDIX 6

### Representation of Women in the Judiciary

	Court of Appeal			Superior Court			Provincial Court			Court of Sessions of the Peace			Youth Court		
	Total number of Judges	Total number of Women	% of W.	Total number of Judges	Total number of Women	% of W.	Total number of Judges	Total number of Women	% of W.	Total number of Judges	Total number of Women	% of W.	Total number of Judges	Total number of Women	% of W.
1987	15	0	0.0	131	5	3.8	154	7	4.5	72	2	2.8	43	7	16.3
1988	15	2	13.3	136	7	5.2	152	9	5.9	73	2	2.7	45	8	17.8
1989	15	2	13.3	138	6	4.4									

### Court of Québec (1)

	Total number of Judges	Number of Women	% of Women
1989	275	19	6.9

(1) In 1989, the Provincial Court, the Court of Sessions of the Peace and the Youth Court were combined to form the Court of Québec.

SOURCE: Québec Department of Justice, Office of the Deputy Minister, November 1990.

Data as of April 1 of each year.

Table prepared by the Secrétariat à la condition féminine.

## APPENDIX 7

### SUPPORT PROVIDED BY THE GOVERNMENT OF QUÉBEC FOR THE PARTICIPATION OF WOMEN IN INTERNATIONAL CONFERENCES AND SYMPOSIUMS

In the context of the three-year (1987-90) plan on the status of women, the Department of International Affairs provided assistance in order to promote greater participation by Québec women in international activities.

The France-Québec agreement on the status of women made possible the following 13 co-operative missions:

- two France-Québec missions on professional equality, in May 1987;
- one Québec-France mission on ethics in the life and health sciences, in December 1987;
- one Québec-France mission on professional equality, in February 1988;
- three France-Québec missions on the topics of family mediation, sexual harassment in the workplace and in agriculture, as well as one Québec-France mission on family mediation, in 1988;
- two France-Québec missions on the topics of the image of women in the media and government structures pertaining to the status of women, as well as three Québec-France missions on the topics of family mediation, new reproductive technologies and intervention aimed at women in the context of immigration, in 1989.

In order to promote the participation of Québec women in international activities in the field of research, development, production and distribution, the government provided technical and financial assistance to:

- three Québec women, in order to enable them to participate in the film festival in Créteil, France;
- a group of women health professionals, in order to enable them to participate in the fifth international conference on women and health in San José, Costa Rica;
- two midwives, in order to enable them to participate in the 21st international conference of the International Confederation of Midwives in The Hague, the Netherlands;
- a therapist from the Regroupement des centres d'aide et de lutte contre les agressions à caractère sexuel [association of centres for assistance and the fight against sexual assault],

in order to enable her to participate in a radical feminist therapy training session in San Francisco, United States;

- Henriette Lanctôt, president of the Association des femmes d'affaires du Québec [Québec business women's association], in order to enable her to undertake a mission to Italy, the purpose of which was to found an international association of business women whose head office would be in Montreal;
- Vidéo-Femmes, in the context of the "Femmes et films" [women and films] festival held in Cameroon.

Technical and financial support was provided to organizations offering training sessions in Québec for women from developing countries, as follows:

- two women, Ibrahim Halima Katiella from Niger and Salinatou Bah from Guinea, took a course in agricultural techniques in Québec;
- two women trainees at the École nationale d'administration publique [national school of public administration], Angélique Muyabo Nkulu, Zaire's deputy minister of the status of women, and Chahrazed Lamari, Tunisia's Secretary for External Affairs and International Co-operation, received technical support from a resource person at the Department of International Affairs.

In order to promote entrepreneurship by women, the government provided technical and financial support for:

- a regional training session for trainers in women's entrepreneurship, held in Abidjan, Ivory Coast, from February 20 to March 11, 1988, for women from the Ivory Coast, Gabon, Senegal and Cameroon; with the co-operation of the International Committee of African Women for Development, this session, attended by 36 persons, included workshops led by two women professionals from the Department of Industry, Trade and Technology;
- a Québec mission in February and March 1989, whose purpose was to organize training sessions on entrepreneurship by women in the Ivory Coast, and by means of which an adapted version of the workshops was prepared and leadership support provided.

In October 1988, the Department of International Affairs and the Department of Education jointly funded, prepared and held a training and awareness seminar on the role of education systems in promoting the status of women. This seminar was part of the program of the Conference of Education Ministers of Francophone Countries; about 12 participants, some from Europe and many from Africa, attended.



In order to be open to the experience of other countries and establish networks for exchange, information and solidarity with other countries, the government provided technical and financial support to receive the following speakers and experts on various topics:

- six prominent persons were invited by the Conseil du statut de la femme [status of women council] to participate in the Colloque sur les nouvelles technologies de la reproduction [symposium on new reproductive technologies] held in Montréal from October 27 to 31, 1987;
- in May 1988, representatives of the league of rights of Lebanese women visited Québec.

In order to ensure that women representatives from the government and from women's groups participated in meetings of international organizations, the government provided technical and financial support to:

- a representative from Women for Access to Political and Economic Power, in order to enable her to attend an international meeting on networking held in New York in August 1988;
- a representative of the Regroupement provincial des maisons d'hébergement et de transition pour femmes victimes de violence conjugale [provincial association of shelters and transition houses for women victims of spousal violence], in order to enable her to participate in the international conference on shelters held in Wales in October 1988.

In order to ensure that women participated in cultural, trade and educational events, the government provided financial and technical assistance as follows:

- to the Conseil des relations internationales [council on international relations] in Montréal, in order to organize the symposium entitled "Femmes et développement" [women and development], held in April 1988;
- to representatives from other countries, in order to enable them to participate in the third Foire internationale du livre féministe [international feminist book fair], held in Montréal in June 1988;
- to the group of African women from the UGEAC, in order to organize the symposium entitled "Femmes africaines et développement" [African women and development], held in September 1988;
- to the National Association of Women and the Law, in order to organize the symposium entitled "Women and Law, International Perspectives", held in February 1989.

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## 6. ONTARIO

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### Introduction

402. This document summarizes and updates the measures that the Province of Ontario has taken since the second report up to December 15, 1990 with respect to provincial policies, legislation and programs relevant to the articles of the *Convention on the Elimination of All Forms of Discrimination against Women*.

### Articles 2 and 3: Equality

#### Ontario Human Rights Commission

403. The Ontario Human Rights Commission administers and enforces the *Human Rights Code, 1981*. The purpose of the Code is to eliminate discrimination in all forms and to provide for the equal rights and opportunities of every person in Ontario.

404. The Ontario *Human Rights Code* was amended in 1987 to include pregnancy as a prohibited ground of discrimination.

405. At the same time, the *Human Rights Code* was amended to remove the exemption for "adults only" apartment buildings. The exemption had the effect of allowing landlords to refuse to rent accommodation to families with children. This discrimination impaired the ability of single-parent families, which are usually headed by women, to find accommodation. The Commission has dealt with a number of cases of discriminatory rental criteria that impede access to housing for single mothers with children.

406. The Commission's Policy and Research Unit is currently preparing a policy on sexual harassment and gender-related comments and jokes. The Commission's Systemic Investigation Unit aims to eliminate systemic barriers to equality through strategic enforcement and special programs.

#### Ontario Women's Directorate

407. The Ontario Women's Directorate is a central advocacy agency for women within the provincial government. The Directorate continues to work to enable the government to achieve its commitment to equality - economic, social and legal - for all the women of this province. The Directorate has continued to fulfil its mandate since its establishment in 1983, and now has almost 90 employees and a budget of \$18.3 million.

408. Since the second report, the Sexual Assault Initiative and Wife Assault Prevention Initiative have become two major initiatives of the Directorate.

409. The Directorate is responsible for developing and co-ordinating a wide variety of programs intended to benefit women. These include three grants programs which provide support to

community-based projects. Funds are targeted for projects which address employment equity, pay equity, employment and education, violence against women, justice and health issues for women. The criteria also focus on the needs of immigrant, visible minority, aboriginal people, elderly, rural and young women. The community grants fund has about one million dollars available. Also, there are two other grants programs that distribute funds to local public education programs on sexual assault and wife assault prevention. These each have a fund of about \$200,000 dollars and are administered on the basis of fair regional distribution.

#### Ontario Advisory Council on Women's Issues

410. The Council continues to advise government on matters pertaining to the status of women in Ontario. In formulating its recommendations, it consults widely with women's groups and the public across the province.

411. The appointment of seven new members in August 1988 reflects Ontario's diversity and brings to the Council varied experience in business, the law and community services.

### **Article 4.1: De facto equality**

#### Employment Equity

412. Ontario's Working Group on Employment Equity was established under the Ministry of Citizenship in January 1988. Its terms of reference include the development of research material and policy options on employment equity for the broader public and private sectors in the province. The Working Group provides support to the Ministry of Citizenship in developing a comprehensive approach to employment equity for Ontario.

413. Employment equity for women, racial minorities, indigenous peoples, persons with disabilities and francophones is mandatory in the Ontario Public Service.

414. The Minister of Education reports annually to the legislature on workforce data collected from school boards by sex and occupational categories.

415. In early 1990, the Ontario Human Rights Commission issued guidelines on special programs designed to remedy economic disadvantage and to promote equality.

416. Since the second report, more new efforts have been undertaken by government to market employment equity in the broader public and private sectors. For example, the employment equity incentive fund created in 1985 with an original commitment of \$4.3 million was extended in 1986 with an additional commitment of \$12.3 million. The incentive fund will operate until 1992 with a total allocation of \$16.6 million over seven years. The fund provides financial assistance, on a cost-sharing basis with recipients, to conduct needs assessments, hire employment equity co-ordinators for program development and implementation, and carry out special projects. By the end of the last fiscal year, 301 public sector organizations had drawn on the fund. This includes all the colleges and universities in Ontario, 102 school boards, 144 hospitals, and 24 municipalities. In 1987-88, 269 organizations received funding under this program, with a total of \$4,638,000 disbursed.



417. In addition, the Ontario's Women's Directorate administers several programs aimed at promoting employment equity. Some of these programs include training for new employment equity practitioners in the public sector, the establishment of a private sector employment equity unit established in 1985 to develop employment equity responses that would encourage and promote employment equity in private sector workplaces, and the implementation and administration of the employment equity Change Agent Program. The Change Agent Program is designed to encourage innovative employment equity initiatives in the workplace, to refine implementation strategies and to provide role model examples to employers, unions and community organizations.

418. The *Police Services Act*, which will revise the existing *Police Act*, received Royal Assent on June 28, 1990 and full proclamation is expected soon. The Act's Statement of Principles includes "The need to ensure that police forces are representative of the communities they serve". Accordingly, the Act requires Ontario's police forces to establish mandatory employment equity policies, programs and implementation timetables for designated groups, including women. The Act includes a mechanism to hold chiefs of police liable for non-compliance.

419. The Ontario Provincial Police and other police forces have removed impediments to employment equity for women such as height, weight and age requirements and have conducted specific outreach recruiting targeting women.

420. Since 1985, Small Business Ontario has delivered programs to address the particular needs of women entrepreneurs. The "How to Start a Small Business" program has been successful in encouraging women to start businesses. A business expansion program for women has also been developed.

#### **Article 5: Sex-role stereotyping and family education**

421. In October 1988, sections 38 and 39 of the *Theatres Act* were proclaimed, making it mandatory for all distributors of videos to submit their videos to the Ontario Film Review Board for approval. The aim is to ensure that videos follow censorship and obscenity guidelines.

422. In September 1986, the Government of Ontario announced the launch of a five-year commitment to the Ontario Joint Family Violence Initiatives, the Government's co-ordinated response to wife assault. A total of \$41 million was committed to this over five years. The Government has recently renewed its commitment to the Initiatives and has renamed them the "Wife Assault Prevention Initiatives" to reflect the gendered nature of family violence.

423. The Initiatives are co-ordinated by the interministerial committee on services related to wife battering, which is chaired by the Ontario Women's Directorate. Currently, programs and services are provided through the 12 ministries and agencies that sit on the interministerial committee. The goals for the Initiatives are: to reduce the incidence of wife assault in Ontario, to provide protection for victims of wife assault and family-focused support services, and to provide a co-ordinated network of comprehensive services which will effectively utilize community and government resources in dealing with wife assault.

424. Funding is provided for family-focused support services, including shelter, child support workers and community counselling programs. There are currently 81 shelters for assaulted women in the province. An additional 11 shelters were announced in June 1990 and are under development. In addition to this, a "Special Priority" policy was designed to provide priority access for assaulted women to the Ontario Housing Corporation and a portion of non-profit housing units.

425. Seven cultural interpreter programs are also funded under the Initiatives. The programs train and provide cultural interpreters to assaulted non-English speaking women to assist them in getting necessary shelter, social, legal and medical support services.

426. A study on violence against aboriginal women was published in January 1990 by the Ontario Native Women's Association and financed by 11 Ontario Government ministries. In response, the Government of Ontario made a commitment to develop an aboriginal family violence strategy in collaboration with the aboriginal community.

427. Family violence radio ads were developed in November 1990 to reflect more appropriate aboriginal cultural values and were translated into four indigenous languages. Additionally, an interministerial sub-committee on aboriginal family violence is in the early stages and is exploring a consultative model to develop a strategy for dealing with provincial aboriginal family violence.

428. In January 1990, the Ontario Government approved new funding in the amount of \$28.8 million over five years for a co-ordinated long-term strategy to address the issue of sexual assault. Funds have been allocated in three areas: enhanced services to victims, improved justice response, and implementation of prevention/education strategies. However, in recognition of the priority of providing the needed support to women, over \$2.4 million of the first five years' of funding is allocated to the improvement of services to women. The initiative is based on an interministerial approach.

#### **Article 7: Political and public life**

429. In December 1988, a Judicial Appointments Advisory Committee was established as a three-year pilot project. The Committee's mandate is to develop and recommend comprehensive, sound, and useful criteria for selection of appointments to the judiciary, to ensure that the best candidates are considered, and to interview applicants and make recommendations. The Committee implemented a policy of advertising vacancies and seeking candidates who will reflect the diversity of Ontario's population. In addition to advertising, the Committee has contacted organizations and groups in touch with lawyers from sectors of society that in the past have not been well represented on the Provincial Court. Women's organizations are among those contacted.

430. When the Committee began, only ten (4 percent) of the provincial judges were women. The Committee has made 28 recommendations resulting in appointments. Nine of these (32 percent) have been women. Women represent 12 percent of the applicants.

431. The Judicial Appointments Advisory Committee itself is presently composed of ten members, three of whom are women. In November 1990, the Ontario Government announced its



intention to appoint an additional four women, thereby bringing the Committee's membership to fourteen and its female membership to seven.

432. Ontario's Legislative Assembly consists of 130 members (MPPs). In 1980, there were six female MPPs (out of 125 MPPs at that time) and two female cabinet ministers. In 1985, the number of women MPPs increased to nine while the number of women cabinet ministers remained at two. In 1990, 26 of the 130 MPPs were women. Of 26 cabinet ministers, 11 were women.

433. In 1990, 39 percent of school board trustees were women. Of 839 municipalities in the province, 91 were headed by women (compared to 54 in 1985) and 20 percent of municipal counsellors were women.

434. The position of deputy minister is the highest level an employee can achieve in the Ontario Public Service. In 1990, 6 out of 43 deputy ministers were women. Of 69 assistant deputy ministers, 20 were women.

435. In 1970-71, women represented 11.8 percent of all full-time university faculty. This figure is increasing slowly. In 1984-85, it was 16 percent, and in 1989-90, it had reached 20.2 percent, with women representing 36.6 percent of new full-time appointments in the year.

### **Article 10: Education**

436. Within the college system, programs have been designed to encourage women to enter non-traditional occupations.

437. In 1988, a strategy was introduced to increase the number of women apprentices. Thirty demonstration projects were established across Ontario to provide outreach activities to women, unions and employers, and to redress attitudinal and informational barriers to female participation in apprenticeship. To date, these projects have reached over 5,000 women.

438. The School to Workplace Apprenticeship Program offers senior students the opportunity to be enrolled in a secondary school program leading to an Ontario Secondary School Diploma and at the same time train as registered apprentices in skilled occupations. For the year 1990-91, 22 school boards are taking part with approximately 5,000 students participating.

439. The Summer Experience in the Trades Program increases awareness and participation in the skilled occupations for high school students. It provides a financial incentive of \$1,000 to employers to hire and train students in trades-related summer jobs. The Program targets women, the disabled, indigenous people, francophones and visible minorities.

440. The Government has committed \$2 million to provide over 80 grants in the fiscal year 1990-91, for the delivery of over 400 language and orientation programs for immigrants. Approximately 70 percent of the programs' clients are women. A number of programs perform a bridging function by preparing women for later enrolment in skills-training programs and job re-entry. Child care is available in over one quarter of the programs.



441. The Student Support Branch of the Ministry of Colleges and Universities administers the Ontario Special Bursary Program. This program provides financial assistance to lower income people to attend post-secondary institutions on a part-time basis. This program serves a large clientele of women, including single mothers.

442. As of September 1989, women made up 54 percent of the full-time, post-secondary students enrolled at Colleges of Applied Arts and Technology.

443. The undergraduate enrolment of women in universities has increased from 34.0 percent (full-time) and 41.4 percent (part-time) in 1968-69, to 51.1 percent (full-time) and 65.4 percent (part-time) in 1988-89. Female graduate enrolment has increased from 17.4 percent (full-time) and 17.9 percent (part-time) to 40.6 percent (full-time) and 49.3 percent (part-time) over the same period. Degrees awarded to women increased from 37.8 percent of Bachelor's and first professional degrees, 18.6 percent of Master's degrees, and 6.4 percent of Doctorates in 1968-69, to 55.0 percent, 45.5 percent and 32.8 percent respectively in 1988. In 1988, women constituted 43.1 percent of the graduating class in commerce, 27.3 percent in dentistry, 10.6 percent in engineering, 42.4 percent in law, 39.9 percent in medicine, 68.6 percent in pharmacy and 59.3 percent in veterinary medicine. In the 1989-90 academic year, there were 16 Women's Studies Programs in Ontario universities.

### **Article 11: Employment**

444. See also responses to articles 2, 3 and 4.1.

445. In Ontario, 61.3 percent of women over the age of 15 are in the labour force.

446. In 1989, women made up nearly 45 percent of Ontario's total labour force.

447. In 1988, Ontario women who worked full-time, year-round, earned on average only 64.8 percent as much as men who worked the same time.

### **Article 11.1(a): The right to work**

448. Since 1987, the funding for fee subsidies for child care to families has increased from \$149.2 million to \$256.9 million, resulting in an increase in the number of subsidized spaces from 32,000 in 1987 to 45,000 in 1990. An additional \$14 million in child care subsidies is available under the "Employment Opportunities" initiative to enable women on social assistance to participate in job training programs and to seek employment.

449. The Supports to Employment Program (STEP) was introduced in 1989. This program aims to remove financial barriers to employment and provides financial incentives to take training.

450. The Government of Ontario is committed to developing and implementing strategies to successfully integrate family and work responsibilities. In November 1988, Cabinet adopted the Strategy on Work and Family Responsibilities. The Strategy's goals are to develop workplace strategies within the Ontario Public Service, develop policies and programs that reflect the needs

of dual-earner families and sole support families, conduct research, and promote public understanding of work and family issues.

451. Leave provisions in the *Employment Standards Act* are currently under review, with a view to assisting workers to fulfill family responsibilities.

**Article 11 - 1(b) and 1(c): Employment opportunities -- training**

452. See responses to articles 4.1 and 10.

**Article 11.1(d)**

453. The *Pay Equity Act* became effective in January 1988. The Act requires: that all female-predominated jobs in an establishment be evaluated according to skill, effort, responsibility and working conditions; that attempts be made to find male-predominated jobs of equal value; and that they be paid the same.

454. The Act covers all women in Ontario except those who work in establishments where there are fewer than 10 employees.

**Article 11.1(e): Pensions and income support**

455. The Ontario Government appointed the Social Assistance Review Committee to undertake a comprehensive review of the social assistance system in Ontario.

456. The report of this committee, titled *Transitions*, was released in September 1988. Some of the recommendations have been implemented and the Government is reviewing its response to the report as a whole.

457. The *Pension Benefits Act* introduced a series of pension reforms which will enhance income security for women during retirement. The Act eliminated employment pension differentials based on sex. The Act provides statutory eligibility rights for part-time workers, enhanced portability rights, and two-year vesting. These provisions will assist in preserving pension membership for women who may have interrupted working patterns as a result of child care responsibilities. New requirements for the provision of pre-retirement and post-retirement survivor benefits will also facilitate more employment pension benefits being delivered to spouses and beneficiaries, many of whom are women.

458. In 1987, 46.2 percent of males and 32.8 percent of females in the Ontario workforce were covered by pensions.

459. The Pension Commission of Ontario is developing a series of brochures and a public education campaign aimed at increasing awareness of the need for retirement income planning within ethnocultural communities and the general population. The project will place particular emphasis on addressing the information needs of women in these communities.

### **Article 11.1(f): Working conditions**

460. The Ontario Government has stated its intention to amend the *Employment Standards Act*, including a proposal to increase the minimum wage to sixty percent of the average industrial wage over time.

461. The Ontario *Human Rights Code, 1981* protects employees from harassment in the work place because of sex. Sexual solicitation "by a person in a position to confer, grant or deny a benefit or advancement" is also prohibited.

### **Article 11 - 2(a) and 2(b): Maternity leave**

462. The Government has announced its intention to table legislation to enhance maternity benefits. The legislation will provide for unpaid leave of up to 35 weeks to mothers and of up to 18 weeks to fathers, with the right to return to their jobs. This legislation includes adoptive parents.

### **Article 11.2(c): Child care**

463. See also article 11.1(a).

464. Since 1987, funding to promote the growth of new child care services and introduce initiatives has increased to \$335 million, a growth of 140 percent. There are more than 107,000 licensed child care centre spaces in Ontario compared with just over 85,000 in 1987. In addition, over 180 child care resource centres receive funding to provide consultation, support and referral for parents who need child care and for home caregivers. Private home day care has increased more than 14 percent since 1987 to cover 11,700 children in 1990.

465. Significant emphasis has been placed on developing workplace-related child care services. As a result, Ontario now has 93 workplace-related sites with a capacity of over 4,000 spaces.

### **Article 12: Health**

466. In 1987, the Ministry of Health established the Women's Health Bureau, to provide a comprehensive, co-ordinated approach to women's health policy issues.

467. Women's health initiatives have been promoted through grant programs. Developmental grants are available for non-profit groups who wish to develop plans to start a women's health centre, and nine health promotion grants were awarded to programs targeted specifically to women.

468. Since 1987, the Ministry has funded four women's health centres which provide a wide range of health care services which are sensitive to women's unique needs. Such services include counselling on reproductive health issues, family planning, mental health services and abortion services.



469. The Minister of Health announced, in 1986, the Government's intention that midwives would be established as a recognized part of Ontario's health care system and become a self-regulated profession in Ontario. An interim Regulatory Council was appointed in June 1988 to prepare for the future statutory College of Midwives.

470. In 1989, maternal and newborn care was identified by the Ontario Government as an area of priority. More than \$2 million was committed to fund a number of innovative programs which will ensure a comprehensive care network for mothers and babies.

471. Also in 1989, the Ministry of Health announced a province-wide breast cancer screening program for women aged 50-64 years. Components of the program include health promotion and community development, mammography and physical examination.

472. There are currently 80 family planning clinics in Ontario. All but 2 of the 43 public health units have clinics and all health units offer childbirth education classes. These units have received funding to expand community outreach programs and clinical services. The family planning pamphlets have been translated in five languages in addition to French and English. The Ontario Women's Directorate family planning initiatives include a series of videos/films in French and English on family planning and sexuality for school and community use.

473. The Ontario Government has announced its intention to increase women's access to safe, legal abortions. Preliminary measures announced are to speed up the licensing of freestanding abortion clinics, to extend travel grants to cover women from northern communities who must travel to seek an abortion, and to consult with women's groups, provider groups, and community groups to find new ways of improving access.

474. As previously mentioned, in March 1990, the Ontario Government announced a co-ordinated initiative to address the issue of sexual assault of women. In addition to the \$28.8 million budget for the initiative, the Ministry of Health allocated \$3 million for community-based sexual assault counselling services and sexual assault services in hospitals.

### **Article 13: Family benefits, credit and sports**

475. See article 5.

### **Article 14: Rural women**

476. The Ministry of Agriculture and Food continues to develop programs in response to the 1984 report entitled *Women in Rural Life: The Changing Scene*. Responsible ministries were made aware of the needs of rural women, such as the shortage of mental health and family counselling services in rural areas. The Ministry has acted on recommendations in the report to examine the traditional delivery system for educational programs and advisory services. The Ministry has also extended its outreach to farm families and considers the location, occupations and average work week of women clients when scheduling programs.

477. Pilot child care projects have been established in rural areas and successful programs are in operation. An interministerial committee is in place to review the flexibility of criteria to make them more appropriate for rural concerns.

478. Specific programs for farm women have been developed, including leadership and farm business management courses.

479. The communications branch of the Ministry of Agriculture and Food has prepared exhibits showing farm women in innovative or non-traditional roles and has removed sexist language from publications.

480. Funding has been provided to accelerate the formation of the Ontario Farm Women's Network in 1988 and for conferences in 1989 and 1990. The primary emphasis is on senior women. A series of conferences on Women and Aging, which focused on the concerns of rural women, were recently held in smaller communities across the province in order to identify the concerns of senior women in these areas.

### Article 15

481. In 1988, the Ministry of Correctional Services struck a Committee on Women in Conflict with the Law to review the needs of female offenders, and to develop programs and services to identify and meet needs and address emerging or existing issues. The Committee is in the process of developing a policy initiative to ensure that female adult and young offenders have access to ministry resources and programs on an equal basis with male offenders.

482. Effective November 1, 1989, the definition of "spouse" for social assistance purposes was changed to provide for consistency with the *Family Law Act*. The major effect of this change is that single parents can reside with an adult of the opposite sex and remain eligible for social assistance until they are legally entitled to be supported by the person with whom they live. Case workers are no longer permitted to investigate the personal lives of recipients. Previously, social assistance benefits could be terminated if a single parent had a conjugal relationship with an unrelated person of the opposite sex even though that person may have been providing no financial support to the single parent or her children. The old rules had a disproportionate impact on women, who comprise the great majority of single parents receiving social assistance.

483. The Ministry of the Attorney General has issued a series of guidelines and directives to crown attorneys about the prosecution of wife assault. This is part of an on-going effort to ensure that wife assault is treated as the serious crime it is, and not minimized or dismissed. Police have been directed to lay charges whenever they have reasonable and probable grounds to do so (rather than leaving it to the victim to press charges). Crown attorneys have been directed to interview victims prior to the date of the trial and to prosecute these cases vigorously.

484. The Ministry of the Attorney General has established a Domestic Assault Prosecutor Program. Under the Program, a designated Crown attorney from each office receives special training in wife assault cases. The Ministry has also established the Victim Witness Program, a court-based support service to victims and witnesses of wife assault and sexual assault. Twelve sites are currently funded.

## Article 16: Family relations

485. The Support and Custody Orders Enforcement (SCOE) program began on July 2, 1987. The program monitors and enforces court orders for child and spousal support as well as provisions for support included in domestic contracts.

486. All support orders made by an Ontario court after July 2, 1987 are automatically filed with the program. Support orders made before that date, domestic contracts and custody orders are filed voluntarily where monitoring and/or enforcement are sought. On behalf of the creditor, the program may pursue one or more enforcement options, including garnishment of wages, sheriff seizure and sale, and requiring the debtor to attend court to explain his default.

487. Amendments to the legislation establishing SCOE were recently tabled. These amendments, if passed, would provide for automatic deductions from pay cheques for payment of support orders.

488. As of the end of August 1990, there were 77,408 support cases filed with the SCOE office. Approximately 77 percent of the orders and agreements filed with the program are in default to some degree.

489. Under the *Change of Name Act, 1986*, a change of surname upon marriage was noted on the person's birth record and a new birth certificate was issued in the name as changed. In 1988, the Government commenced issuing "dual name" birth certificates to any spouse who files an election to change her or his name on marriage. The certificate now shows the person's married name as well as the birth name.



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## 7. MANITOBA

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### Article 2

490. On March 8, 1990, the Government of Manitoba issued *A Statement of Government Policy on the Status of Women in Manitoba*. That statement articulated eight fundamental principles that will form the basis of government actions and programs affecting the status of women in Manitoba:

- Abuse of women is unacceptable in Manitoba. Family violence is a crime.
- Discrimination against women, on the basis of their sex, is unacceptable in Manitoba.
- Government and the community share a responsibility to provide protection and security for those who were, in the past, denied the opportunity to become secure and independent.
- Women should enjoy equal access to a full range of career options and choices within the Manitoba economy.
- Women ought, as a matter of right, to enjoy equal access to and equal treatment within education at all levels.
- Terms and conditions of employment and of participation in education should recognize the responsibilities for child rearing that parents share in Manitoba.
- Women should have access to enhanced participation in decision-making both to ensure that women's viewpoints are taken into account and to ensure that the community as a whole can benefit from the abilities, wisdom and insight that women can contribute at a decision-making level.
- Government efforts to achieve the goals of this policy will be most effective if they are carried out in partnership with individual women and women's groups throughout Manitoba.

491. In 1987, the Government of Manitoba introduced new human rights legislation. New provisions include specific prohibitions against systemic discrimination, failure to reasonably accommodate special needs, harassment, and discrimination based on, among other things, pregnancy and other gender-determined characteristics. Complainants will benefit from the availability of stronger remedies and sanctions for substantiated contraventions of the Code.

492. Of the 10 prohibited grounds of discrimination specified in the *Manitoba Human Rights Code* (ie. ancestry, national/ethnic origin, marital/family status, disability, sex, age, religion, political belief, source of income and sexual orientation), sex discrimination was the second most

frequently filed with the Commission in 1989, comprising 26 percent of all formal complaints. (Disability was the most frequently cited ground at 28 percent.) This percentage has remained relatively constant over the past four years. (In 1986, sex discrimination was cited in 27 percent of complaints, compared with 20 percent in 1987 and 21 percent in 1988.) In 1989, 36 percent (27 cases) of sex discrimination complaints were allegations of sexual harassment, 24 of females by males, 3 of males by females.

493. In May, 1989, the Supreme Court of Canada rendered its much awaited decision in two Manitoba cases. In *Govereau and Janzen v. Platy Enterprises*, the Supreme Court reversed the decision of the Manitoba Court of Appeal and reaffirmed that sexual harassment was a form of sex discrimination. Similarly, in *Brooks et al. v. Canada Safeway Limited*, the Supreme Court concluded that discrimination based on pregnancy was a form of sex discrimination, in this case reversing its own earlier position.

494. The Manitoba Human Rights Commission's role with respect to affirmative action and other special programs has been significantly affected by the new legislation. The new provisions are framed in the language of the *Canadian Charter of Rights and Freedoms* and declare that such programs do not constitute illegal discrimination. Written approval by the Commission is, therefore, no longer required to bring such programs into compliance with the legislation.

495. In September, 1990, Manitoba established Canada's first specialized court to deal with all criminal charges relating to domestic abuse and child sexual assault. The Court is staffed by three Crown prosecutors who will receive special training and will specialize in this field. Judges will also receive special training. It is anticipated that this program will have some impact on addressing the problem of violence against women in this society. Training in dealing with family violence situations is also being provided to native band constables, community constables and city of Winnipeg police. In addition, a social worker has been provided to assist child victims of sexual and physical abuse and to prepare them for court proceedings.

496. A policy has been established by the Manitoba Department of Justice for monitoring sentences in domestic assault cases and launching appeals for sentences felt to be inappropriate.

497. A policy has been introduced to eliminate sexual harassment within the Manitoba Civil Service. A training course to support the introduction of the new policy has also been developed.

498. The Manitoba Association of Women and the Law has been funded by Manitoba Justice to conduct research entitled "Gender Equality and the Law". The first report, released in March 1989, covered treatment of women as lawyers and law students. It also reported on the treatment of women in matters of family law and personal injury damages. The second part of this research will examine women as victims in the criminal justice system.

### Article 3

499. To facilitate the full development and advancement of women in Manitoba, an interdepartmental committee on women's issues has been formed to monitor the effectiveness of

government services and programs for women. In addition, the Status of Women portfolio was accorded independent status in 1989/90.

500. Family dispute programs funded by the Province include (1) a Women's Advocacy Program, (2) Family Conciliation Services and (3) Women's Resource Centres.

(1) Women's Advocacy Program

501. In 1986, the Women's Advocacy Program was established to provide legal information, referral, crisis counselling and short-term follow-up to victims of spousal assault whose spouses have been criminally charged with assault.

(2) Family Conciliation Services

502. During 1987/88, the Family Conciliation Program was expanded beyond the city of Winnipeg to include services in Brandon. Services include provision of information and referral, counselling, mediation, court-ordered assessments and reports, reciprocal enforcement of maintenance orders, and group programs for child and parents related to family break-up. In 1989, 2050 families used its services (excluding rural expansion).

(3) Women's Resource Centres

503. In 1986, two Women's Resource Centres were established in Winnipeg, funded by the Province. These centres provide information, programs and services, and training to assist women in making informed choices in their lives. They also provide an advocacy function concerning social, economic, and legal reform issues affecting women. Two more centres have been funded since 1988.

504. Family violence services include 23 community-based agencies throughout the province. Services in Winnipeg include second-stage housing, groups for victims of abuse, aboriginal women's groups, and long-term counselling for individuals with alcohol and drug problems. Throughout the province, services include crisis accommodation, counselling, public education, and crisis telephone lines. In the 1989/90 fiscal year, it is estimated that 2300 women sought shelter.

505. Other recent expansions to Manitoba's family violence services include:

- Funding to Ikwe-Widdjiitiwin, the first wife abuse shelter for native women in Manitoba;
- Funding for two provincial crisis lines for victims of family violence;
- A new funding formula, including increases in per diem rates paid by the Social Allowances Program to all shelters in support of residential services for domestic assault victims and their children, including an added 5 percent northern allowance for the per diems and support grants to facilities in the north.



506. Data are being collected at the Portage Correctional Institute on the percentage of sentenced female prisoners who have been abused, in recognition of the relevance of this issue to women prisoners.

507. The 1986 Census of Canada notes that, of the 33,800 single parent families in Manitoba, 27,960 (82.7 percent) were led by women. As of January 1, 1990, single parents in financial need now have immediate access to Manitoba's provincial Social Allowances Program. They no longer are required to depend upon municipal social assistance during the first 90 days of separation or desertion. This new policy provides a more streamlined response and generally higher benefits. As well, in 1989, social assistance regulations were amended to exempt the earnings of a child in full time attendance at school from the calculation of social allowances benefits for the family. Legal Aid representation has now been made available to those who receive Social Assistance and who are seeking orders for maintenance.

#### Article 4

508. The new Executive Development Program for women in the Manitoba Civil Service aims to increase the number of women in senior management, which in 1990 is 15.3 percent of the Manitoba Government senior management job category. The Program will be available to approximately 250 women.

509. Significant progress has been made for women within the Civil Service in the past year. In 1989/90, 48 percent of the Civil Service workforce were women. Also during that year: 68 percent of all new appointments were women; 58 percent of all bulletined competitions were filled by women; 61 percent of all promotions within the Civil Service went to women.

#### Article 5

510. A multi-media public awareness campaign called "Abuse is a Crime" was launched in 1990.

511. Workshops for the encouragement of gender-neutral language have taken place for members of the Legislative Assembly of all parties. Similar workshops were held throughout the Civil Service in 1989.

#### Article 6

512. The Department of Justice brought forward the "Prostitution Reference" (*Reference re Criminal Code, ss. 193 and 195.1(1)(c)*, [1990] 4 W.W.R. 481 (S.C.C.)), in which the Supreme Court of Canada upheld the validity of the *Criminal Code* provisions relating to communication for the purposes of prostitution.

#### Article 7

513. The Manitoba Task Force on Meech Lake held public hearings in various locations throughout Manitoba to hear the opinions of Manitobans on the Meech Lake Constitutional Accord. The report recommended significant changes to the Accord and, in particular, recognized the concern expressed by women that it did not entrench the Charter of Rights.

514. Women constituted 41 percent of the appointments made on boards and commissions in Manitoba in the spring of 1989. The first woman was appointed to the Manitoba Court of Appeal in 1989. Two more women were appointed to sit in the Court of Queen's Bench, bringing the total number to four (12 percent). An additional woman was also appointed to Provincial Judges Court during the same year, bringing that total to four as well (11 percent). In addition, two (40 percent) of the five members of the panel of adjudicators created by the 1987 *Human Rights Code* are women.

## Article 10

515. In 1989, the Manitoba Human Rights Commission completed *Human Rights in the School: Guidelines for Educators, Students, Parents and other School Participants*. The guidebook is designed to assist educators and others in assessing the extent to which a school's management practices respect human rights principles. One subsection of the guidebook addresses the issue of gender equality. Nine schools will pilot the guidebook over the 1990/91 school year. It is expected that a final version of the guidebook will be available in the fall of 1991.

516. An updated version of the Manitoba Human Rights Commission's previously published *Inventory of Human Rights Teaching Materials/ Répertoire du Matériel Pédagogique Relatif aux Droits de la Personne* was completed in 1989. Included is a listing of teacher resources contained in the main teaching libraries on the topic of discrimination on the basis of sex/gender.

517. In order to increase awareness of math, science and non-traditional career options and requirements, *Participation of Girls and Women in Mathematics, Science and Technology*, a paper prepared by Status of Women Canada and the Manitoba Women's Directorate, has been widely distributed and used as a basis for encouraging girls and women to continue math and science studies. Work is underway on a video tape series about Women in Science and Non-traditional Careers.

518. A number of curriculum documents have been developed by Manitoba Education and Training in the home economics/family life and health education curriculum area, which reflect gender equity, elimination of bias and promotion of female participation. The language of these curricula is gender-neutral. All forms of discrimination against women have been eliminated.

519. An attempt has been made in the senior high art program to acknowledge women artists. In the area of guidance and counselling, a teacher's guide, *Violence Begins at Home*, which focuses on the issue of wife abuse, has been developed.

520. Although not a curricular area, the Women's Studies mandate has included the development of resource materials to be used in other parts of the program. These include: *Big Boys Don't Cry - Combatting Sexual Stereotyping*, a resource for middle years teachers to promote discussion of sexual stereotyping through drama and role-playing; *Positive Images of Women*, third edition, a bibliography of non-print resources that explore the role of women in society, to be used to provide a more balanced portrayal of women's contributions and concerns than many textbooks allow.



521. Forty-three percent of community college enrolments in 1989/90 were women. In January 1990, a sexual harassment policy was implemented to address incidents of sexual harassment involving post-secondary students. Furthermore, gender-inclusiveness guidelines are currently being piloted within Red River Community College to ensure that all community college publications, learning materials, and evaluation procedures and materials are free from sexist language and sex-stereotyping. Where learning materials are valuable, since their specific course content cannot be replaced, and yet include sexist language or portrayals, attention is focused on the bias to create a new gender-inclusiveness awareness in the classroom.

522. Red River Community College established a Women's Programs Department in September 1988. The Department Head operates in an advocacy and support role to female students and is involved in community liaison regarding women's programs. Of prime importance is speaking to junior and senior high female students and encouraging them to enter engineering technologies.

523. Keewatin Community College established a Women's Advisory Committee in March 1990, to advise the College on matters affecting women. The College's Women's Programs department provides community liaison and outreach services to Northern Manitoba and offers courses and programs to women in a variety of business, trades, and technology courses and personal and community development programs.

524. Assiniboine Community College offers several programs which address the issue of women in the workplace. The Career Opportunities in Preparation for Employment (COPE) assists single parents in entering/re-entering the workforce. Bridging for Rural Women, designed to prepare rural/farm women for entry/re-entry into the world of school or work, was piloted in 1990. The Agricultural Equipment Operation for Women and Basic Maintenance of Farm Equipment subjects are designed to increase the skills of women in the area of equipment operation and maintenance on the farm. In 1988/89, the College offered a Women in Trades program. Another program, Entrepreneurial Skills for Women, was offered in 1988/89 and 1989/90.

525. The Student Financial Assistance Branch of the Province administers the Special Opportunity for Social Allowance Recipients (SOSAR) Program, which is a debt-free, income-support program to assist social assistance recipients in pursuing post-secondary educational opportunities.

526. Manitoba has a special program, in existence since 1987/88, called Community-Based Language Training, which has addressed specifically the needs of working immigrant women who cannot receive language training at their workplace. Programs delivered have included English for Telephone Skills, and English for the Learner Drivers' Permit.

## **Article 11**

527. Pay Equity has been fully implemented within the Civil Service, universities and Crown corporations. Consultation with school divisions and municipalities is under way.

528. An external audit of Manitoba's Civil Service classification system, recruitment and selection practices has been undertaken. The purpose of the audit is to improve equal



opportunities within the Civil Service and determine whether systemic barriers against women and other groups are prevalent in the employment system.

529. In response to the demands of a changing workforce, a policy of job sharing and alternative work arrangements has been developed to increase the range of options available to civil servants.

530. Women's Entrepreneurial Initiatives is a program designed to promote entrepreneurship as an economic alternative for women. Originated in 1987, it is part of the Business Resource Centre which supports it with other informational, counselling and training services. The program comprises several activities including the publication *Of Interest to Women*, a directory of programs and services which was published (10,000 copies) in 1988, with a second edition (20,000 copies) in 1990. The program has provided financial and technical support for reports, conferences, workshops and seminars (eg. for Women Business Owners of Manitoba), and Business Women's Week (October, 1990).

531. Manitoba Business Start, a loan-guarantee program for individuals starting new businesses, is geared primarily toward women and rural Manitobans. The program was launched in March 1990. The applicant's cash equity contribution is matched dollar-for-dollar, up to \$10,000. Loans have a five-year term and an interest rate of prime plus one percent.

532. The Women and Apprenticeship Advisory Committee has been established to identify barriers to trades employment and training. It also allows for ongoing input into branch policies affecting methods of recruiting women into the trades. The role of the Women's Counsellor at the Apprenticeship Branch has been expanded to a full time position. The counsellor serves as a resource and support to women apprentices in Manitoba and works proactively to eliminate barriers that limit the participation of women in the trades.

533. Joint federal/provincial funding has been provided for the Women's Business Owners of Manitoba to conduct a feasibility study for the establishment of a "Women's Enterprise Centre". An interdepartmental committee has been struck to study the feasibility of pensions for part-time workers.

534. The Single Parent Job Access Program, jointly funded under the Canada/Manitoba Agreement on Employability Enhancement for Social Allowance Recipients, provides a comprehensive range of assessment, training and employment supports for single parents in receipt of social allowances. Piloted in Winnipeg and Brandon in 1986/87, it is now available through the seven Human Resource Opportunity Centres across the province. It is expected that 640 single mothers will be in this program in 1990.

535. Since 1987, Immigration and Settlement Branch services have included direct assistance to immigrant women in gaining access to employment and training and review of child day care issues affecting immigrant women and families.

536. In 1988/89, a Flexible Subsidy Program made subsidies available for eligible children enrolled in non-funded day care centres, as well as for children in provincially-funded centres. In that fiscal year, six new day care centres, designed as attachments to new schools, were opened. A number of rural projects were initiated including an increase in the number of Family Day Care

Homes, extended service hours, and services that recognized the seasonal nature of employment patterns in some areas of the province. Also in this year, support for children with disabilities in the child care system increased two-fold to accommodate 300 children.

537. In 1989, the Manitoba Child Care Task Force submitted its report with 204 recommendations. The Province subsequently announced its Child Care Strategy which included 345 additional spaces in day care homes and non-profit centres. Approximately 6,500 subsidized spaces were funded by the Province in 1989/90. Other 1989/90 enhancements included:

- Increased salary enhancement grants, and extension of these grants to non-profit centres that do not receive other provincial grants;
- Increased start-up grants for newly-funded day care homes;
- One-time equipment grants per licensed space were made available to non-funded, non-profit centres and homes;
- A 13-member Advisory Committee on Child Care was appointed as part of the overall strategy to bring Manitoba's child care system into the 1990s.

538. The following child care facilities and spaces operate in Manitoba:

Provincially-funded Child Day Care Centres and Homes, 1988-1990

	# of Facilities	# of Spaces
1988/89	635	11,505
1989/90	628	11,761

Unfunded Non-Profit and Private Centre/Homes, 1988-1990

	# of Facilities	# of Spaces
1988/89	278	5,134
1989/90	329	5,485

**Article 12**

539. In 1986, the Alcoholism Foundation of Manitoba developed a policy on service delivery for women. The policy states in part that: "... A range of services shall be provided that are sensitive and responsive to women's needs; that encourage independence; and that are delivered in a manner that respects the dignity of individual women; and shall be developed on the basis of demonstrated need within resource allocations." As a result of this policy "women specific" content has been included in programs throughout the province on alcohol and drug abuse and the option for women to attend female-only treatment groups has been introduced. In the past, all groups were mixed.

540. In the area of program development, Manitoba Health has introduced the following:

- The establishment of a Women's Health Directorate as the formal responsibility centre to facilitate co-ordinated planning and policy development respecting a range of health issues affecting women;
- The development of a booklet on menopause as the first of a series of health education material entitled *Women and Well Being*, the development of promotional material to support cervical cancer screening, and a breastfeeding booklet;
- The establishment of a position in which one of the responsibilities is to co-ordinate and develop programs and policy for women's mental health;
- The completion of the first of a three-phase program to establish a cervical cancer registry;
- The establishment of a Pregnancy Induced Hypertension Program (P.I.H.) which provides home nursing monitoring for pregnant women with hypertension;
- The initial funding to Planned Parenthood Manitoba for a women's immigrant/ refugee health project;
- There have been several conferences sponsored in part by Manitoba Health on Women and Aging, Women and Addiction and Women and Aids.

541. Since 1987/88, the Immigration and Settlement Branch (with Manitoba Family Services as of April 1989) has been involved in a variety of initiatives for immigrant women, including grant support for the development of multilingual prenatal programs for expectant mothers and resource assistance to support the delivery of cross-cultural reproductive health education to immigrant women and their families.

#### Article 14

542. The Manitoba Women's Directorate has established outreach offices in Portage la Prairie and The Pas. In 1988/89, funds were made available to start up the first Northern Women's Resource Centre.

543. As of September 1989, the unified court system, consisting of Family Division of the Court of Queen's Bench, was expanded to eight major centres in rural areas. This means family disputes are dealt with by court personnel who are specialized and knowledgeable in this highly sensitive area. As well, the Family Conciliation Program has been expanded to two major rural centres. This is of direct benefit to custodial parents, many of whom are women, as well as all family members concerned.

544. Fax machines have been installed in rural court offices. A primary concern which prompted this move was to provide the ability to transmit restraining order applications to Winnipeg where they can be handled on an emergency, 24-hour basis.



## Article 16

545. Amendments were recently made to a number of provincial statutes. These amendments were designed to make Manitoba's property laws fairer and more effective. *The Marital Property Act*, for example, now permits a judge to make an interim equalization payment, or other interim order, pending disposition of the application for equalization. *The Family Maintenance Act* now provides, amongst other things, a Maintenance Enforcement Court to order imprisonment, on an intermittent basis, for failure to comply with the terms of a support order. *The Reciprocal Enforcement of Maintenance Act* has been amended to include several new reciprocal enforcement agreements.

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## 8. SASKATCHEWAN

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546. This submission will update to October 1990, the information contained in Saskatchewan's submission to Canada's Second Report on the Convention.

### Article 2: Legislation

547. The following paragraphs describe the new and amended legislation relevant to the Convention enacted since Canada's Second Report.

- *The Dependants' Relief Amendment Act, 1990* adds common law spouses to the list of dependants who can make an application under the Act. The minimum allowance which could be awarded to a spouse by the court has been removed.
- *The Intestate Succession Amendment Act, 1990* increases the preferential share for the surviving spouse from \$40,000 to \$100,000 for intestates who die on or after the date that the Act came into force, June 22, 1990.
- *The Family Maintenance Act* provides one set of maintenance provisions for children and spouses. A maintenance obligation is established between common law spouses who have lived together for at least three years or in a relationship of some permanence and are the parents of a child. A maintenance obligation for the mother of a child by the father is retained, in terms similar to those in *The Children of Unmarried Parents Act*, which has been repealed.
- *The Equality of Status of Married Persons Act* provides that a married person has legal capacity for all purposes and in all respects as if that person were an unmarried person. It also provides for an action in tort against the other spouse as if the two individuals were not married. There are now identical rules for determining domicile for a married man and a married women, a husband or wife can no longer pledge the credit of the other spouse, and no action may be brought on certain grounds including loss of consortium of a spouse.
- *The Homesteads Act, 1989* extends homestead protection to both spouses who are non-owners of their homestead. Previously, this protection was available solely to wives.
- *The Women's Affairs Act* creates a Cabinet portfolio for matters related to the status of women and charges the Minister with the responsibility to develop mechanisms for the integration of women's concerns into the government's decision-making process, to co-ordinate policies, programs and activities of the government relating to the status of women, to make recommendations with respect to matters affecting the status of women, and to provide any appropriate assistance for improving the status of women in our province.

- *The Saskatchewan Human Rights Code* continues to protect women from discrimination on the basis of sex in the workplace, in housing, in the purchase of property, in the provision of public services, in educational institutions, in contracts and in professional trade associations. This includes protection from sexual harassment and protection from discrimination on the basis of pregnancy and pregnancy-related illness. The Code also provides protection from the publication or broadcast of representations that would expose women to a serious affront to their dignity. In addition, the Code prohibits discrimination on the basis of race, creed, religion, colour, marital status, disability, age, nationality, ancestry or place of origin.

### **Article 3: Political, social, economic and cultural fields**

548. In 1989, the Women's Secretariat was established as a separate agency. The Secretariat previously operated as the Women's Directorate, within the Department of Human Resources, Labour and Employment. The Secretariat works with government departments and agencies to ensure that women's concerns are incorporated into government planning and policy development, and is actively involved in research support, public awareness and programs and activities related to the status of women. The staff of the Secretariat prepares for its advisory role by extensive consultation with Saskatchewan's women's organizations, attendance at provincial conferences and review of current research.

549. The primary role of the Secretariat is that of co-ordination, consultation and interdepartmental liaison. In 1990, the Secretariat participated on interdepartmental committees in areas such as family policy, family violence, child sexual abuse, balancing work and family responsibilities, income security for seniors, women in the criminal justice system and career education. A member of the Secretariat sat on the working group of "Consensus Saskatchewan", a citizens' advisory body which held public meetings in the summer of 1990.

### **Article 4: Affirmative action**

550. *The Saskatchewan Human Rights Code* provides that the Saskatchewan Human Rights Commission may approve or order programs designed to prevent, eliminate or reduce disadvantages suffered by persons based upon or related to race, creed, religion, colour, sex, marital status, disability, age, nationality, ancestry or place of origin. The Commission's programs currently target women, persons with disabilities and persons of aboriginal descent. The Commission is currently supervising 11 programs in the work place, affecting 23,000 workers, or 5 percent of the workforce, and six programs in training institutions.

551. The Bridging Program for Women, a federally-funded program offered through the Saskatchewan Institute of Applied Science and Technology, is designed to assist women in overcoming barriers to training and employment. Initiated in 1985, the Program provides counselling, skills training, academic upgrading and financial support for women seeking entry into the labour force or further training.



## Article 5

552. In 1987, the Department of Economic Diversification and Trade sponsored "Women in Business" conferences, held in various locations throughout the province. Similar conferences were held in 1988 in the cities of Regina and Saskatoon. The Department has continued to encourage development of entrepreneurial skills, but the programs are not targeted exclusively to women.

553. Addressing the problem of family violence has been a priority in the Department of Social Services in recent years. The Department has endeavoured to raise awareness in the community and change attitudes towards this problem. Funding for family violence services has increased 124 percent since 1981-82. Non-governmental agencies, through contracts with the Department of Social Services, provide family violence services to women including preventative measures, counselling, crisis intervention and short-term residential services. The following table outlines a comparison of government expenditures in 1981-82 and 1989-90:

	<u>1981/82</u>		<u>1989/90</u>	
	No. of agencies	Grants	No. of agencies	Grants
Family shelters	6	\$910,190	7	\$1,813,990
Safe shelters	0	---	3	403,890
Sexual assault centres	3	114,370	4	221,160
Mobile crisis units	3	657,360	3	857,220
Family Support Centre	0	---	1	680,000
Family Violence Services (rural crisis lines, support programs, counsellors, etc.)	0	---	7	339,940
<b>TOTAL</b>	<b>12</b>	<b>\$1,681,920</b>	<b>25</b>	<b>\$4,316,200</b>

## Article 7: Political and public life

554. The Saskatchewan Women's Advisory Council, a group of private citizens appointed by the provincial government, has provided government with input and recommendations on issues related to the status of women. The Women's Secretariat regularly provides administrative and research support to the Council on a number of issues. Most recently, the Secretariat assisted with the development of a brochure encouraging the participation of women on government boards, councils and commissions.

555. As part of the government's ongoing commitment to employment fairness initiatives, the Women's Secretariat organizes a noon hour luncheon series, featuring guest speakers on issues of interest to women in government.

## **Article 10: Education**

### **K-12 Gender Equity Policy**

556. Saskatchewan's Department of Education is currently finalizing its Gender Equity Policy for the Kindergarten to Grade 12 system. Developed in consultation with an interagency advisory committee, the policy will address all major aspects of the education system: curriculum, major instruction and assessment practices, school environment, student development including career counselling, and community involvement. It is proposed that gender equity be considered an integral component of the province's new core curriculum.

557. Gender equity is defined as: the provision of equality of opportunity and the realization of equality of results for all students based on individual aptitudes, abilities and interests, regardless of gender. The Gender Equity Policy grew out of a recognition that gender bias limits individuals' personal growth and career opportunities, and restricts the social and economic contributions of persons of both genders.

558. The principles which inform the Gender Equity Policy are as follows:

- Students have a right to a gender-equitable learning environment.
- Students, in consultation with their families, have a right to make individual decisions about the roles, programs of study and careers that are appropriate for them. The school can make students aware of the many, varied options available.
- Attitudes and behaviours which contribute to gender equity are learned and therefore can be taught to both students and teachers.
- Female and male students have had different experiences in school and in society and thus may have different ways of learning. A gender-equitable educational system respects equally all ways of learning.
- Achieving gender equity will require the examination of all aspects of the school environment and may necessitate change in many of them.
- Language influences the way in which people understand and interpret the world around them. Therefore, language which includes both genders and gives them equal status is important to achieving gender equity.
- It is important that teachers have the skills and attitudes necessary to create gender-equitable classrooms.

- Teachers, administrators and other school staff are very powerful role models.
- Achieving gender equity is an ongoing task that will require effort and energy over the years.
- Achieving gender equity will require co-operation between students, teachers, educational organizations and communities.

### Post-secondary system

559. The Saskatchewan Institute of Applied Science and Technology (SIAST), the province's technical institute, has established an education equity plan to increase the participation of persons of native ancestry, persons with disabilities and women in non-traditional program areas such as the trades and technologies. In addition, the provincial apprenticeship program is currently undertaking initiatives to raise awareness within the designated trades of the need to increase the participation of these three target groups.

560. The universities of Regina and Saskatchewan are developing employment equity plans to increase the number of female employees in non-traditional occupations.

561. The Saskatchewan Skills Development Program provides training opportunities for persons receiving social assistance. Approximately two-thirds of the participants are women.

562. The special incentive plan of the Saskatchewan Student Loans Program provides single parents, the majority of whom are women, with additional financing assistance for post-secondary education.

563. The Women's Secretariat produced *Focus on Your Future*, a career awareness and development publication to assist students in their future employment plans. In addition, the Secretariat produced a video which emphasizes career preparation for distribution to all provincial high schools in the fall of 1990.

## **Article 11: Employment**

### The Public Service

564. The Saskatchewan Public Service Commission (PSC) is the central agency of the Saskatchewan government responsible for human resource management activity. Mandated by *The Public Service Act*, the Regulations and Collective Bargaining Agreements with two unions, the PSC has developed policies directed towards the elimination of discrimination against women. Although the activities of the PSC are principally internal to the public service, it is also involved in recruitment and staffing initiatives, training and development activity for employees of Crown corporations and assistance in collective bargaining for smaller agencies outside of executive government.



565. Since 1983, the PSC has been subject to a Human Rights Commission-monitored Employment Fairness Plan which targets women, persons of native ancestry and persons with disabilities. In proportion to the working age population provincially, the overall representation of women in the public service is more than sufficient (at 54.9 percent of our work force vs. 43 percent in the community work force), but numbers tend to be concentrated in certain occupational groupings, including clerical positions.

566. The long term goal is for the proportion of women in management and non-traditional roles to be similarly appropriately represented. The Employment Fairness Plan follows a decentralized model, in which individual departments annually establish their goals for recruitment objectives and other activities and present these to the Department of Human Resources, Labour and Employment, which is responsible for the Plan.

567. The PSC aids departments through their recruitment and staffing activity to meet their recruitment objectives. The representation of women in the management group has increased, with its current level at approximately 25 percent of the total. There has been more modest success in increasing the representation of women in non-traditional roles, defined as positions in which female representation is less than 30 percent.

568. The PSC publishes *Saskatchewan Careers*, a tabloid which lists the permanent positions for which recruitment is currently under way. These ads are reviewed for gender bias and to ensure that they depict women in a positive fashion.

569. Job ads provide educational or experience equivalencies when the position requirements allow for such, to help remove systemic barriers to employee movement and encourage employees to develop "transferable skills". The use of education and experience equivalencies enhances the opportunities of women to have volunteer and alternative work experience considered as a substitute.

570. The PSC has developed a new classification plan for in-scope employees, by which positions are evaluated in a manner much more resistant to gender bias, providing for a more equitable evaluation of "jobs of equal value".

571. Twelve month unpaid maternity leave is available, as well as paternity and adoption leave. There is also definite leave available for spousal accompaniment in the event of relocation. Leaves, specifically for purposes of educational training, are available with a potential for full or partial salary reimbursement.

572. A variable hours policy allows out-of-scope employees to reduce their work hours to either 50 percent or 75 percent of the total, while retaining permanent status and access to all benefits. This policy has allowed a variety of work options, including job-sharing. Job-sharing allows permanent, in-scope employees to take leaves from their current position and then work on a part-time basis. This, combined with flexibility in the tied work hours has made for more manageable arrangements between work and family life.

573. The PSC has a policy affecting those who operate video display terminals and computers providing for minimum periods of operation and leave provisions and cost reimbursement for eye examinations. Employees who are pregnant will, upon request, be granted temporary re-assignment from operating a VDT to other job duties or be granted definite leave.

### The Private Sector

574. The Women's Secretariat publishes a magazine entitled *Focus*, which is distributed to over 8,000 individual women and organizations across the province. This publication, through articles and interview profiles, provides information and helps to raise awareness and understanding of issues affecting women in Saskatchewan. As well, the Secretariat distributed *Into Employment - A Handbook for Women*, which provides information on job search techniques.

575. *The Labour Standards Act*, R.S.S. 1978, c. L-1, provides that no employer shall discriminate between male and female employees by paying an employee of one sex at a rate less than the other for similar work performed in the same establishment. The performance of this work must require similar skill, effort and responsibility and be performed under similar working conditions. This provision does not apply where the difference in pay is set by a seniority or merit system. No employer shall reduce the pay of any employee in order to comply with this provision.

576. The Director of the Labour Standards Branch may refer any equal pay complaint to the Saskatchewan Human Rights Commission for a formal inquiry, if the inspector appointed by the Director to investigate the complaint is unable to reach a settlement.

577. Section 4 of Minimum Wage Board Order No. 2 (1981) provides that every female employee permitted to finish work between 12:30 a.m. and 7:00 a.m. must be provided with free transportation to her place of residence by her employer.

578. Under the *Radiation Health and Safety Act, 1985 Regulations*, a pregnant woman may, through consultation with her employer, reassess and revise her work duties so that the maximum permissible radiation exposure for a pregnant woman is not exceeded.

579. Teen mothers and their children are at high risk of becoming long-term dependents on the Saskatchewan Assistance Plan and living in poverty. The Department of Social Services therefore provides personal and vocational counselling to these young mothers and also teaches child care and parenting skills. These services are operated directly by the Department staff, and Department-funded programs run through family service agencies throughout the province. The Department program was started in 1982 and funding for the non-government agencies began in 1984.

### **Article 12: Health**

580. In 1991, the Saskatchewan Alcohol and Drug Abuse Commission will offer training courses on women and chemical dependency, sexual abuse and family violence, to assist care givers in recognizing and appropriately referring women with dependency problems and women in abusive situations. The Commission also offers numerous video and print resources on the special needs and concerns of women in relation to substance use and abuse: fetal alcohol syndrome; women and chemical dependency; women and smoking, etc.



581. Pre- and post-natal classes, well baby clinics and parenting classes are offered through health units throughout the province, some of which are specifically provided by and for native women.

582. In January 1990, the departments of Social Services, Education and Health established a program designed to ensure that unwed pregnant adolescents are made aware of the range of community, medical and educational support services and options available to them, during and after their pregnancy.

583. In 1990, a program was initiated through co-operation between hospital staff and public health nurses, to ensure that, after child birth, the mother is aware of the risks of post-partum depression and of the community support services available upon discharge from the hospital.

584. The Health Promotion Branch of the Department of Health has developed and distributed a range of health promotional literature dealing with women's health concerns: women and AIDS, pre-natal care, women and smoking, breast feeding, nutrition during pregnancy, etc.

585. Since 1988, community grants totalling \$19,175 have been provided to 25 different women's groups to carry out a range of community health promotion projects.

586. Two pilot breast cancer screening projects were initiated in 1990. An urban pilot program was established in April 1990 to provide screening services to women located immediately around Regina. A rural pilot program was established in September 1990 using a mobile van to provide screening services north of Saskatoon between Hudson Bay and The Battlefords.

### **Article 13: Economic and social life**

587. Under *The Pensions Benefits Act*, R.S.S. 1978, c. P-6, all pension plans must provide a retiring married employee with a joint pension, which guarantees a surviving spouse's benefit of at least 50 percent of the employee's benefit. The spouse's right to a benefit may be waived if he or she signs a written, witnessed statement to this effect. The distribution of pension benefits on marriage breakdown is allowed, in accordance with a court order or interspousal contract made under *The Matrimonial Property Act*.

### **Article 14: Rural areas**

588. The Co-operatives Branch of the Department of Economic Diversification and Trade has assisted the development of rural co-operatives. Some examples include feeder loan associations (60), rural develop co-ops (19), grazing co-ops (132), fishing co-ops (22), wild rice co-ops (2), farmer's markets (49) and credit unions (207). The Department also has a two-year contract with a consultant who provides a series of one-day seminars on starting home-based businesses. Sixty percent of the participants in these seminars are women.

589. The Co-operatives Branch of the Department of Economic Diversification and Trade assists residents in the organization of co-operative day care centres throughout the province.

590. The child care program, administered by the Department of Social Services, continues to expand child care services, particularly in rural areas. Subsidies are available to provide access



to affordable, quality child care. Approximately 85 percent of subsidies are paid to single parents, the majority of whom are women. Pilot projects are under way to provide school-age child care and infant care for teen parents in school settings. Since 1981-82, there has been a 90 percent increase in expenditures on child care grants and subsidies, and a 48 percent increase in the number of licensed child care spaces in the province. The Department licenses and regulates day care centres and family day care homes. Subsidies are provided for low income parents who cannot afford the cost of care. Eighty seven percent of those receiving subsidies are single parent mothers.

Program Statistics 1981-82 and 1989-90

	<u>1981-82</u>	<u>1989-90</u>
No. of licensed spaces	3,914	5,800
No. of day care centre spaces	3,373	3,820
No. of day care home spaces	816	1,980
Maximum subsidy	\$210	\$235
Total subsidies	\$5,322,835	\$10,119,164
Total grants to day care	\$864,264	\$1,555,007
<b>Total subsidies and grants</b>	<b>\$6,187,099</b>	<b>\$11,674,171</b>

591. Hospital services are organized in Saskatchewan such that, with the exception of Northern Saskatchewan, no resident is further than 25 miles from a hospital and related medical services. Air ambulance services are used extensively in Northern Saskatchewan to ensure that rural residents have ready access to necessary hospital and medical services. Community health, mental health and home care services are organized on a regional basis to ensure that all provincial residents have access to these services.

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## 9. ALBERTA

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### Introduction

592. This report covers the period January 1, 1987 to December 31, 1990.

593. The Government of Alberta remains firmly committed to enhancing opportunities for Alberta women. For the 1990-91 fiscal year, expenditures on selected programs in support of Alberta women and their families will exceed \$130 million. This is a 14 percent increase over the previous year's funding and a 29 percent increase over 1988-89.

### Article 2: Equality

594. Effective May 14, 1990, 15 amendments were made to *The Individual's Rights Protection Act*. Major amendments to the Act include the following:

- Protection from sexual harassment is extended to domestic and live-in farm employees. This means that all employees are now afforded legal protection against sexual harassment.
- Pregnant women will receive better protection through the introduction of section 38(2) which states that protection on the basis of gender "includes, without limitation, protection of a female from being adversely dealt with on the basis of pregnancy".
- Protection against retaliation will be provided for complainants who made initial attempts but did not actually file a complaint.

In addition, the *Commission Procedure Regulation*, made in 1990 under the Act, extends the timelines for a complainant to request a review of a dismissed complaint from 10 to 30 days.

595. On September 28, 1990, a human rights tribunal appointed by the Alberta Government handed down an important decision in a sexual harassment case. The tribunal awarded \$7,400 to a woman who had been sexually harassed by her former boss for almost a year. The case is important for several reasons. The fairly substantial award should encourage women who may have refrained from filing a sexual harassment complaint against their employers because they believed that the administrative tribunal would not adequately compensate them for the personal embarrassment and shame of a public hearing. Also, only a few sexual harassment cases in Alberta have gone to the public hearing stage.

### Article 3: Appropriate measures in the political and economic fields

#### Government machinery

596. The Alberta Advisory Council on Women's Issues was established in November 1986 by an act of the provincial legislature. The purpose of this citizen's advisory body is to advise and

report to the Alberta Government, through the Minister Responsible for Women's Issues, on matters relating to the full and equal participation of Alberta women in the life of the province. The 15-member Council is appointed by Order in Council and members are chosen from a list of individuals nominated by Albertans. The Council meets a minimum of three times a year.

597. The Women's Secretariat is a government body which was established in April 1984 to assist the Government of Alberta to better respond to issues that are of concern to women. A major responsibility of the Women's Secretariat is the co-ordination of the government-wide Plan for Action for Women. Announced in 1989, the Plan for Action contains annual goals and strategies to address women's concerns and needs in the target areas of the workplace, family, education and training, health, community and the public service. During the first two years of the Plan for Action, 31 initiatives for women were implemented at a total cost of \$19 million.

#### Initiatives for women entrepreneurs

598. The Department of Economic Development and Trade provides free counselling services to women in business or women who may be contemplating the establishment of a business. In 1989-90, almost 41,700 persons contacted the Department by telephone or in writing. About 44 percent of these client contacts were women.

599. Between January 1987 and December 1990, the Department of Economic Development and Trade provided advisory services and grants for groups conducting seminars and workshops for women in business.

600. In March 1990, the Department of Economic Development and Trade commissioned a research study on barriers to women in business. The study will help the Department to continue to provide effective programs for women in business.

#### **Article 4.1: Temporary special measures**

601. At its April 1990 meeting, the Alberta Human Rights Commission issued a declaration on its commitment to promote employment equity in the workplace. The Commission has also made it known that special programs or affirmative action programs to help women and other disadvantaged persons are legal under *The Individual's Rights Protection Act*.

602. In 1989-90, an interdepartmental committee, which includes union representatives, was established to review the Government's current employment equity mandate with regard to its women employees, and to recommend and advise the Government on the implementation and evaluation of employment equity initiatives in the Alberta Public Service.

603. Two units within the Department of Career Development and Employment are specifically concerned with employment equity in the workplace. Women's Career Resources provides consultation and resources to career practitioners, and Access Initiatives focuses on influencing employers to expand employment opportunities within trades and technology occupations for designated groups such as women.



604. In 1990-91, several new employment equity programs were initiated in the Alberta Public Service including a pilot project for a mentoring program for women in senior management, and an accelerated management training program. These initiatives are designed to increase the number of women in management positions.

#### **Article 5(a): Elimination of stereotypes**

605. In 1989, as part of a public awareness campaign, the Alberta Women's Secretariat developed a television spot "Alberta Women - Making it Happen" which was aired during the spring and fall of 1990. This 30-second spot includes six vignettes which promote awareness of, and respect for, the many important roles women play in society. The campaign promotes the concept of women as equal and active partners in Alberta society. Its primary message is that women's work, at home and away from home, is valuable and meaningful, and contributes to the growth of the Alberta economy and to the well-being of its citizens.

606. In 1988-89, a two-day workshop to increase employee awareness of gender differences in the workplace was piloted on all employees of the Department of Career Development and Employment. In 1990, this workshop was made available to the general public, business and industry.

#### **Article 7: Political and public life**

607. Women's representation on elected bodies has increased since 1985. At the provincial legislature, women's representation increased dramatically from 7.6 percent in 1985 to 15.8 percent in 1990 (as of November 1990). Between 1985 and 1990, women's representation on municipal councils increased from 17.8 percent to 18.4 percent. Women continue to be better represented on school boards (34.0 percent in 1985 and 39.4 percent in 1990) than in the legislature and on municipal councils.

608. Women's representation in the Alberta judiciary increased from 7.5 percent in 1986 to 9.4 percent in 1990.

609. Improvements in women's representation in senior government positions have occurred primarily at the minister and deputy minister level. Between 1985 and 1990, women's representation at the minister's level increased from 7.1 percent to 11.1 percent. The first woman deputy minister in the Alberta Public Service was appointed in 1987, and as of November 1990, there were two female deputy ministers out of a total of 27 (or 7.4 percent). Women's representation at the assistant deputy minister or equivalent level increased from 5.2 percent in 1985 to 6.6 percent in 1990.

#### **Article 10: Education**

610. The Stepping Stones Role Model Program is a major undertaking by the Alberta Women's Secretariat. First introduced on a pilot basis in 1988, the Program brings female role models to various school and community events to make students aware of the myriad of career options available to them. The Program introduces students to women who are employed in non-traditional occupations and includes female police officers, engineers, pilots, heavy machinery

operators, and so on. The Stepping Stones Program is currently available in junior high schools in Edmonton and Calgary and will be expanded to other parts of the province in 1991.

611. The Women's Secretariat administers two programs which are intended to provide support to individuals and groups for educational activities. The Women's Secretariat Grant Program provides financial assistance to women's groups and non-profit organizations for short-term public educational projects. The Persons Case Scholarship is awarded annually to Alberta post-secondary students who are pursuing studies that will contribute to the advancement of women in society. The scholarship is awarded on the basis of scholastic achievement and financial need.

612. The Women in Scholarship, Engineering, Science and Technology (WISEST) committee of the University of Alberta was established in 1982 to increase the number of women in areas of scholarship where they are under-represented. In 1984, WISEST introduced The Summer Program for high school students who have completed grade 11. The Program is designed to show young women that careers in science and engineering can be both exciting and rewarding. Students work for six weeks during July and August as part of a research team at the University of Alberta and receive an honorarium of \$750. Girls are involved with research in sciences and engineering, and a small number of boys are placed in research projects in nursing and home economics. The Summer Program is funded by federal and provincial grants, the University of Alberta and a local philanthropic foundation. Since its inception in 1984, the number of students accepted each summer has ranged from 14 to 40. WISEST sends application forms to high school science teachers in the City of Edmonton and the surrounding area. To be selected, students must be strong achievers in science and possess some qualifications appropriate to the research projects which are available at the time. Demand for this program is very high as indicated by the large number of applicants each year.

## **Article 11: Employment**

### **Article 11.1(c)**

613. In December 1988, the Government of Alberta announced a series of initiatives to enhance the worklife of the nursing profession. The initiatives recognize the important role of nurses in our health systems and encourage nursing input into decisions affecting patient care and nursing practice. The Government has committed \$30 million over four years (beginning April 1, 1989) in support of the nursing initiatives.

614. The Department of Career Development and Employment has undertaken several initiatives to improve the economic status of women. In 1990-91, the Department developed and delivered a pilot bridging program which can be used by businesses to move entry-level women employees into non-traditional trades and technological occupations.

615. In addition, since 1986, the Department of Career Development and Employment has published two publications which are of major interest to women. *Directions: A Women's Guide For Returning to Work* was produced for public distribution in 1988-89. *Statistical Report: Women in the Alberta Labour Market and Women in Education and Employment Training in Alberta, 1988* was produced (primarily for use within the government) in 1989.



**Article 11.1(d)**

616. In the Alberta Public Service, the position classification plan for office-related jobs occupied primarily by women was revised in 1989. The revision resulted in pay increases for most employees in these positions.

617. The Alberta Human Rights Commission continues to encourage equal pay initiatives undertaken by other agencies, such as the City of Calgary and the University of Alberta.

618. In 1989, the City of Calgary established a task force to examine the issue of pay equity for city employees and Calgary City Council approved pay equity in principle in June 1990. A pay equity plan for Calgary city employees will be released to the public in 1991.

619. The University of Alberta began the implementation of a pay equity plan for support staff in April 1989. Women held approximately 60 percent of the 3,300 support staff positions reviewed under the pay equity plan. Some women have received wage increases as a result of the job review. The University of Alberta has not completed the implementation process, and the general impact of the pay equity program on female support staff workers at the University of Alberta will not be known until 1991.

**Article 11.1(e)**

620. In 1989, the Government announced its intention to examine the area of pension options for women. The Government is concerned about women who are faced with economic difficulties at retirement, because of periodic absences from the labour force and lower lifetime earnings. This initiative will examine and evaluate options that would assist women to save for their senior years.

**Article 11.2(b) and 2(c)**

621. The new *Employment Standards Code*, R.S.A. 1988, c. E-10.2 (which replaced the *Employment Standards Act, 1980*), came into effect on November 1, 1988. The Code introduced adoption leave which can be taken by either parent. Employees will now be entitled to receive up to eight weeks unpaid leave when adopting a child under three years of age.

622. In 1990, through amendments to the *Master Collective Agreement*, the Government of Alberta provided its employees with improved paid leave for family reasons and benefit plans during maternity or adoption leave.

623. A joint union/employer committee was established in 1990 to deal with issues related to the maintenance of a healthy balance between work and family responsibilities. To determine the needs, opinions and priorities of employees, the committee conducted a survey of all Alberta Public Service employees in late 1990.

624. Major reforms in the Alberta Day Care Program were approved in late 1990. The reforms will increase the subsidies paid to low income families over a four-year period and introduce day



care staff training requirements for all primary staff. The new training requirements will improve the quality of day care available to Alberta families.

#### **Article 12: Health care**

625. Since 1986, the Department of Health has provided assistance and support to health units to enable them to develop and deliver better reproductive health services. Its efforts include the development of guidelines for educational and clinical reproductive health programs. In addition, in conjunction with an urban health unit, the Department of Health provided a provincial training project to ensure that professionals in the program were adequately trained for their duties. Department of Health consultants are also available to assist with reproductive health program planning, implementation and evaluation.

626. Three new reproductive health clinics have been established in rural communities in Northern, Central and Southern Alberta since 1986. These clinics increase the accessibility of family planning services to rural women.

627. The Department of Health and the Women's Secretariat are conducting a comprehensive review of reproductive health policies and programs. As the first step in the review process, an interdepartmental committee with representation from the Department of Health and the Women's Secretariat was formed in 1990 to develop an inventory of reproductive health programs currently offered through the province's health system.

#### **Article 14: Rural women**

628. The Department of Agriculture provides extension courses through its district offices and 4-H programs for women in the rural areas of Alberta. These include courses in leadership, communication training, business skills and computer skills.

629. Women account for over 60 percent of enrollment in the Farm Business Management Training program of Alberta Agriculture. This reflects the fact that women are now taking a very active part in managing farms and making more of the business and financial decisions involved in running the operations.

630. In 1989, Alberta Agriculture and Alberta Consumer and Corporate Affairs, in consultation with the Women's Secretariat, developed a publication, *Taking Care of Your Family's Future*. Recognizing that women generally outlive men, this publication is designed to prepare them for managing their financial affairs.

631. Also, in consultation with Alberta Economic Development and Trade, Alberta Agriculture developed a home study program on home-based business which was released in early 1990. This program should be of major interest to rural/farm women who are currently engaged in or who may be contemplating the establishment of a home-based business.

### **Article 15: Women equality with men before the law**

632. Inter-spousal tort immunity was abolished in July 1990 when the Government of Alberta passed Bill 56 which amended *The Married Women's Act*, R.S.A. 1980, c. M-7. Under section 2(3) of the said Act, no husband or wife was allowed to sue the other for a tort. Bill 56 repealed section 2(3) and in its stead substituted the following clause: A married person has the same right of action in tort against his or her spouse as he or she would have if they were not married.

### **Article 16: Marriage and the family**

633. During the past three years, the Government of Alberta has introduced a number of initiatives in support of the family:

- *The Family Day Act* was passed in 1989. It creates a statutory holiday known as "Alberta Family Day" which recognizes the importance of the family.
- The Lieutenant-Governor's Conference Celebrating Alberta's families was held from February 19-21, 1990. The conference was intended to build awareness and understanding of the family and its role in the 1990s, provide an opportunity for debate and dialogue on family matters, and enhance public access to information on available family support agencies and services in the province.
- The Premier's Council in Support of Alberta Families was established on April 19, 1990, to act in an advisory capacity with respect to government policies, programs and services which may impact on family life in Alberta.

634. The Office for the Prevention of Family Violence continues its efforts to reduce family violence in Alberta. In response to the growing interest and commitment of community groups and individuals throughout the province, the Office provided additional funds of \$200,000 in both the 1989-90 and 1990-91 fiscal years to support innovative community-based family violence prevention projects. During Family Violence Prevention Month and throughout the 1989-90 fiscal year, Community Project Funding supported 36 educational initiatives and 14 demonstration projects.

635. The Office for the Prevention of Family Violence continues to distribute the quarterly newsletter FOCUS, highlighting such issues as the abused immigrant woman, family violence in rural communities, and native issues.

636. The Government of Alberta expended \$5.1 million on women's emergency shelters and satellite shelters in 1989-90. Major initiatives included the following:

- Funding of community groups was increased by \$270,000 to support the establishment of six new satellite shelters in rural communities. These facilities provide abused women and their children with short-term crisis accommodation for up to seven days. In addition, the satellites offer a range of services according to community needs which are funded by both the government and community.

- Additional funding of \$736,000 was provided to the 14 existing women's emergency shelters for basic emergency services, increased staffing, and higher staff salaries.

637. The Solicitor General, the Minister responsible for the Administration of the *Police Act*, demonstrated a commitment and took a leadership role with respect to law enforcement and crime prevention in the area of family violence by introducing policing initiatives to enhance police practices when dealing with calls of spousal abuse. The policing initiatives can be grouped into five major categories -- Enforcement, Police Education, Victim Support, Public Awareness and Research. These initiatives are designed to: (1) reduce the incidents of family violence through early police intervention; and (2) increase public awareness of the criminal nature of family violence.

638. The following improvements have been made since 1986 in the Maintenance Enforcement Program which was established by the *Maintenance Enforcement Act* in 1986:

- the number of program staff taking inquiries has been increased to provide creditors with better access to information and services;
- the federal government is now intercepting income tax refunds and unemployment insurance payments for the benefit of the creditor;
- a direct deposit system to a creditor's bank account has been instituted to allow the creditor to receive the funds as soon as possible.

As of October 1990, 64.1 percent of the people registered in the Maintenance Enforcement Program had received payments during the last 90 days and 55.9 percent had received payments in the last 30 days.

#### **Article 16.1(d)**

639. *The Parentage and Maintenance Act* received Royal Assent on July 5, 1990. This legislation, which addresses maintenance of children born to unmarried persons, removes some of the barriers faced by unmarried women seeking child maintenance from the declared fathers.



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## 10. BRITISH COLUMBIA

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### Article 2

640. In November 1989, the Government of British Columbia established a portfolio for women's issues by creating the **Ministry of Government Management Services and Minister Responsible for Women's Programs**. This ministry incorporates the duties and responsibilities of the Women's Secretariat, described in the previous report.

641. With co-ordination by the Ministry Responsible for Women's Programs, a **Women's Advisors Committee** operates within government to improve the representation of women in management and assist women to advance within the public service. Annual action plans prepared by each ministry address career development and advancement for women.

642. In April 1990, an **Advisory Council on Community-Based Programs for Women** was constituted by the Minister Responsible for Women's Programs. In June 1990, the Council recommended ways in which programs could be funded and delivered more effectively to women in their communities. In response, the British Columbia Government has approved several initiatives which address women's needs at all levels of government and the community.

643. A **Ministry of Native Affairs** was established in 1988, as described in our recent report on Articles 10-15 of the *International Covenant on Economic, Social and Cultural Rights*. It offers a number of programs to assist native people towards achieving economic self-sufficiency. Some of these are directed to assisting women to establish themselves in business and professional careers.

### Article 7: Women in political and public life

644. Between 1986 and 1989, the representation of women in provincial government management positions rose from 17.3 percent to 26.9 percent. Certain ministries have established "bridging positions" available to women only (under special approval from the Council of Human Rights) which assist them in moving from clerical to more senior positions.

### Article 10: Education

645. As reported in our recent report on Articles 10-15 (Article 13) of the *International Covenant on Economic, Social and Cultural Rights*, the Province of British Columbia in 1987 established a **Royal Commission on Education** to review all aspects of the education system. One of the many concerns identified by the Commission was the need to overcome gender barriers in education. In order to address this concern, the Ministry of Education has hired a **Gender Equity and Women's Program's Co-ordinator** who will develop initiatives in this area, particularly in curriculum, learning materials, policies and practices in the education system.

646. In order to increase the participation of women in education and careers in science and technology, a video series and teacher's guide has been prepared entitled *What Do Scientists Do?*. An awareness campaign has been prepared for high school girls to encourage them to pursue training towards employment in trades occupations.

### **Article 11: Employment**

#### **Paragraph 1(d)**

647. In October 1990, the Province of British Columbia announced its intention to implement **pay equity for women in the public service**. This program is being negotiated with the relevant trade unions and will come into effect in January 1991.

648. A **Deputy Ministers' Committee on Employment Equity** has been formed to examine the barriers to employment in the provincial public service for members of disadvantaged groups, including women.

#### **Paragraph 1(e)**

649. While not yet incorporated into law, *Bill 44 - The Pension Benefits Standards Act* is being circulated for public comment and review. This proposed legislation, which is similar to standards in other jurisdictions in Canada, sets out minimum standards to be met by pension plans. Among other features, it would provide minimum benefits levels for spouses of deceased workers, prohibit sex discrimination in pension provisions, allow pension portability, and set rules for eligibility of part-time workers.

#### **Paragraph 2(c)**

650. The Minister Responsible for Women's Programs has established a **Task Force on Child Care** with a mandate to determine the gaps in child care services in the province.

### **Article 13: Other areas of economic and cultural life**

651. The Ministry Responsible for Women's Programs offers a number of initiatives to assist established and prospective businesswomen, including conferences, bursaries for business training, and it provides grants for business management training for native women.

### **Article 16: Marriage and family relations**

652. Under a 1987 change to section 4 of the *Vital Statistics Act*, parents may choose any surname for their child. Previously, the father's surname was required.

# **REPRESENTATION OF WOMEN IN BRITISH COLUMBIA - AN OVERVIEW -**

	<u>Total</u>	<u>Women</u>	<u>%</u>
• <b><u>Political Participation</u></b>			
* Federal (Dec/89):			
House of Commons	295	40	13.6%
Cabinet	37	6	16.2%
Senate	104	12	11.5%
* Provincial (Dec/89):			
Legislature	69	9	13.0%
Cabinet	16	2	12.5%
* Municipal (March/89):			
Mayors	149	25	16.8%
Councillors			
Regional Districts	29	2	6.9%
* School Trustees (Jan/90) (75 School Districts)	520	262	50.4%
• <b><u>B.C. Labour Force</u></b> (1989)			
* Women in Labour Force	1,578,000	701,000	44.4%
- labour force participation rate - 58%			
- 1988 wage gap - 61.8%			
- average income of a B.C. women working full time, full-year - \$20,797; average male - \$32,597. (1986, Statistics Canada.)			
• <b><u>B.C. Public Service</u></b> (Jan/90)	<u>Total</u>	<u>Women</u>	<u>%</u>
* Government employees	35,878	19,730	55.0%
* Managers	2,950	785	26.6%
* Senior Managers	400	42	10.5%
• <b><u>Education System</u></b>			
* <u>Women in the Labour Force (1988-89)</u>			
Public Schools	56% of teachers 20% of vice-principals 14% of principals 4% of superintendents		
Colleges	59% of part-time staff 32% of full-time staff 14.2% of senior administration		
Universities	18% of faculty positions		



\* Women in Education and Training Programs (enrollment)

Apprenticeship	9% of registered apprentices (1989) (4% excluding Hairdressers and Florists)
Trade & Vocational	37.2% graduates (1986-87) (Most women are concentrated in vocational programs.)
Colleges	58.4% of student population (full-time and part-time)
Universities	50.9% of student population (full-time and part-time) Degrees awarded to women (1987): 52% of Bachelor's degrees 45% of Master's degrees 26% of Doctoral degrees

\* Women on Post-Secondary Boards and Commissions (Government appointments as of May/90)

Colleges	34%
Institutes	29%
Universities*	17% - Boards of Governors 13% - Foundation Boards 0% - Senates

(NOTE: Boards of Governors are 15 members each (8 appointed); Foundations are 5 members each, all appointed; Senates have many members, with just 4 Government appointees on each.)

• Justice System in British Columbia (May/90)

	<u>Total</u>	<u>Women</u>	<u>%</u>
Court of Appeal Judges	23	2	8.7%
Supreme Court Judges	39	3	7.7%
Supreme Court Masters	11	1	9.1%
County Court Judges	51	5	9.8%
Provincial Court Judges	117	12	10.3%
By-Law and Traffic Adjudicators	12	3	25.0%

(NOTE: The Attorney General of B.C. is responsible for the appointments of Provincial Court Judges and By-Law/Traffic Adjudicators).

Policy, Planning and Research  
May 30, 1990

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## C. GOVERNMENTS OF THE TERRITORIES

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### 1. YUKON

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#### Article 1

653. The *Human Rights Act* prohibits discrimination on the basis of sex, including pregnancy and pregnancy-related conditions and on the basis of marital or family status.

#### Article 2

654. The principle of equality of men and women is embodied in the *Human Rights Act*.

655. The *Human Rights Act* established the Human Rights Commission, whose objectives include (1) the elimination of all forms of prohibited discrimination which prevent people from living as equals in Yukon society and (2) conducting efficient and effective investigations of alleged violations of the *Human Rights Act*. Of the 22 cases the Human Rights Commission investigated from April 1, 1989 to March 31, 1990, 3 were complaints concerning sex discrimination and 6 were complaints concerning discrimination on the basis of marital/family status.

#### Article 3

656. Most of the family violence that occurs in the Yukon, as in the rest of Canada, is committed by men against women and children. The Yukon Government has taken the position that family violence seriously impedes the advancement and full development of women in society and has embarked on a comprehensive *Family Violence Initiative*.

657. Under this initiative, the Department of Health and Human Resources has established the *Safe Places Program*, which provides capital and operational funding to community groups for safety and support to abused women and their children.

658. Under the same initiative, the Department of Justice has delivered a series of public presentations related to family violence, established monthly training sessions in the area of family violence for professional and lay counsellors, and provided women's support groups for battered women and treatment groups for assaultive men. Also, the Department of Justice has recently expanded its Victim Support Services to service victims in rural communities as well as in Whitehorse.

659. Through the *Family Violence Initiative*, the Yukon's Women's Directorate has conducted an extensive media public awareness campaign in relation to family violence. In conjunction with the Department of Justice, a *24 Hours Family Violence and Sexual Assault Information Line* was established, and is serviced in the evening hours by the Women's Transition Home.

660. The *Compensation for Victims of Crime Act*, administered by the Worker's Compensation Board, contains provisions for financial compensation to women and their family members who are victims of violence and promotes the program in all Yukon communities.

#### Article 4

661. The Yukon Territorial Government has established a *Plan of Action for Women*. This initiative is headed by the Yukon Women's Directorate, and is aimed at furthering the government goal of equitable representation of women (including native and disabled) in government in all occupations and at all levels where they are presently under-represented. As a result of this Action Plan, six new Assistant Deputy Minister positions were created and filled by women.

662. The *Human Rights Act* provides for the establishment of special programs designed to prevent disadvantages that are likely to be suffered by any group and establish affirmative action programs designed to reduce disadvantages resulting from discrimination suffered by a particular group.

#### Article 5

663. The *Maintenance and Custody Orders Enforcement Act* recognizes the common responsibilities of parents in the upbringing of their children by enforcing and collecting court-ordered child-support payments.

664. The Yukon Government's *Plan of Action for Women* supports initiatives which attempt to change negative, discriminatory and stereotypical attitudes toward women which serve as barriers to full equality in Yukon society.

#### Article 7

665. In the Yukon, as of December 1990, 4 of the 16 members of the legislature were women; 13 of 50 members of municipal councils in the territory were women (one seat was vacant) and 64 of 100 school board members were women.

666. The Executive Council Office has developed a policy on government-appointed boards and committees that includes a goal of gender balance. By April of 1988, 44 percent of appointments were women. The Women's Directorate has established the *Yukon Women's Talent Bank* and actively recruits women to serve on boards and committees; presently there are 46 women listed in the talent bank.

#### Article 10

667. Yukon College hosts courses in urban and rural communities for people desiring to acquire basic language and literacy skills for entrance into college programs.

668. Career counselling, bridging programs and availability of financial assistance are all supports that promote accessibility to higher education. On-site day-care and family accommodation in the



student residence on the college campus in Whitehorse provide essential supports for students with children.

669. The *Student Financial Assistance Act* and the *Occupational Training Act* allow for assistance to be provided to single mothers (parents) in accordance with their family needs.

670. The Yukon Department of Education has established drop-in programming at the pre-college preparation level from 9 a.m. to 9 p.m. and over lunch hours in Whitehorse to permit easier access to students with family or employment responsibilities.

671. Following a survey conducted by the Department of Education, *The Teen Parent Access to Education Society* was established to develop programming, child care, education and support services to pregnant teens and teen parents. Teen mothers can now participate in a new school program in Whitehorse which provides on-site day-care which allows the young mothers to complete their high school education as well as receive education, training and support in parenting, life skills, nutrition, child development etc.

672. The Department of Education undertook an extensive review of school curriculum and resource materials to eliminate sex/role stereotyping and include gender balance and native content. Specifically, the History, Career Planning and Orientation, Health and Family Life curriculum are modified to reflect gender balance and Yukon native content.

673. The Yukon Women's Directorate, Department of Education, Yukon Advisory Council on Women's Issues and the federal Industry, Science and Technology Department have sponsored the *Women Do Math* program. In its second year, the program is designed to encourage more female participation in the maths and sciences at the college level.

## Article 11

674. The Yukon Women's Directorate conducted research on women's participation in the private sector and in the specific barriers female entrepreneurs face. A conference for women entrepreneurs was held in Whitehorse in April 1989, and from this, the *Yukon Women's Business Network* was formed.

675. The *Yukon Training Opportunities Program* has been established to provide the opportunity for Yukon government employees to obtain on-the-job training. Under this program, the Department of Education has established 14 training positions in 1989; 13 of these positions have been filled by women and 10 of these by native women.

676. The Yukon *Human Rights Act* prohibits, in the public sector, employers from establishing or maintaining a difference in wages between employees who are performing work of equal value, if the difference is based on any of the grounds prohibited in the Act, including sex and marital status.

677. There is a clause in the collective agreement with the Yukon Government and the Yukon Employees Government Union prohibiting sexual harassment in the workplace.

678. The *Social Assistance Act*, *Dependants Relief Act*, *Family Property and Support Act*, *Maintenance and Custody Orders Enforcement Act*, the *Reciprocal Enforcement of Maintenance Orders Act*, and the *Workers Compensation Act* all provide financial assistance to women and their families.

679. The *Employment Standards Act* requires private sector employers to provide unpaid maternity leave without jeopardy to job security for women with 12 months service.

680. The Government of Yukon provides its employees up to 37 weeks maternity leave without pay, adoption leave, and some days of paid leave with a guarantee of the same or a comparable position on return from leave. There are also provisions for paid leave to care for an ill child or meet other special circumstances.

681. In January 1989, the Department of Health and Human Resources announced the *Child Care Strategy for the Yukon*. The Strategy outlines 26 initiatives aimed at improving child care services and resources. By January 1990, 82 new child care spaces had been created in Whitehorse with an additional 57 spaces in other communities for a total of 139 new spaces.

682. Child care assistance is available for self-employed women.

683. The *Human Rights Act* prohibits unfavourable treatment of women due to pregnancy or pregnancy-related conditions in relation to the provision of public services, in connection with any aspect of employment, membership in a trade union or association, occupancy, lease or sale of property offered to the public, and in the negotiation of performance of any contract offered to the public unless reasonable cause can be established.

## Article 12

684. The Department of Education, Libraries and Archives Branch, has expanded the reference, general and audio-visual collection, specifically in the areas of pregnancy, child birth, child care and other reports on a variety of women's issues.

685. Last spring, the Yukon Department of Health created the first mammography unit in the territory. Yukon women will no longer have to travel outside the territory to access this service.

## Article 13

686. Single-parent women and their children are entitled to financial support through the *Family Property and Support Act* and the *Dependants Relief Act*. If their income is below established thresholds they may be eligible for child care subsidy and/or social assistance.

687. The Yukon Government is presently participating in a joint federal/provincial/territorial *Child Support Guidelines Project*. The mandate of this committee is to define appropriate quantitative or numeric formulae to be applied in the assessment of child support, to be based on the actual costs of raising children in Canada.

## Article 14

688. The Yukon Advisory Council on Women's Issues undertook a study of the accommodation needs for pregnant women from rural communities who must give birth in Whitehorse. The result of this study was the establishment of a roster of families willing to provide support and accommodation for people travelling to Whitehorse from the communities for medical reasons. This is viewed, however, as only a short-term solution.

689. The preamble of the new Yukon *Health Act* states that equitable access to quality health and social services is critical to protecting, promoting and restoring health and that social programs and services must be sensitive and responsive to the cultural diversity in each Yukon community.

690. Distance education programs are available to those students who wish to remain in their home communities. Secondary school courses, university transfer courses, developmental studies and continuing education programs are available on the Yukon College site or through distance education services.

691. The Yukon Women's Directorate, Yukon Development Corporation and the Department of Education have assisted the Yukon Indian Women's Association in their development of a three-year proposal for an Indian Aboriginal Infrastructure Project. The goal of the project is to empower Indian women in rural communities to pursue personal as well as community economic development.

## Article 15

692. The Department of Justice has begun an on-going process of reviewing, auditing and amending legislation to ensure non-sexist, gender-neutral language, and new bills are drafted with this consideration in mind.

693. The *Change of Name Act* has been amended to remove a provision that required a woman to obtain her divorced spouse's consent before she could change her name.

## Article 16

694. The *Marriage Act* requires that parties be 15 years of age to marry and have parental consent if under 19 years of age. If parental consent is denied, a court may issue an order dispensing with the consent requirement.



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## 2. NORTHWEST TERRITORIES

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### Article 2(b)

695. As mentioned in Canada's second report on the Convention, the Government of the Northwest Territories has incorporated the principle of equality between men and women in the *Fair Practices Act*, R.S.N.W.T. 1988, c. F-2, which prohibits discrimination against women in the areas of employment, accommodation, services and facilities available in any place to which the public is customarily admitted.

696. A discussion paper was released in 1984 which proposed the adoption of a Human Rights Code. The proposed code was a progressive code which incorporated model provisions from the other jurisdictions within Canada. The Northwest Territories has an aboriginal majority both in population and in elected representation and the form of government is to a large extent aboriginal government. It was perceived by the aboriginal organizations and the aboriginal population that the timing for the introduction of an "individual rights" based code was inappropriate as "collective rights" concerning land claims and self-government were being negotiated.

697. The "collective rights" negotiations have progressed substantially but have not yet been concluded. An invitation has been extended to the aboriginal organizations to discuss a model which will accommodate both individual and collective rights.

### Article 2(f)

698. In December of 1990, the departments of Social Services and Justice and the Women's Directorate funded a review which will examine in detail the functioning of the justice system as it involves and affects women and children. The review will carry out its activities in order to improve the understanding of gender equality issues by the public and professionals involved in the system. The review will also make recommendations on ways to achieve gender equality in the system.

699. The activities in the initial review will include the identification and initial examination of gender bias in all aspects of the justice system. This will consist of, but not be limited to, sentencing (especially in sexual/spousal assault cases), the role and mandate of the Judicial Council, the discretion of Crown attorneys, legal aid, circuit lawyers, courtroom language, education and training of lawyers and judges, victim participation and the relationship between the issues of gender and culture.

700. The activities will also include research and data collection, identification of, and research into, reform options and models, public education and consultation, community meetings, regional workshops, and the examination of Government of the Northwest Territories initiatives for their relationship to gender equality issues.

701. The Government of the Northwest Territories initiatives which will be examined will include legal interpreters, victims' assistance, legal aid, public trustee, maintenance enforcement, justices of the peace, corrections and family violence prevention.

702. The review of gender equality will work closely with the Advisory Committee on Aboriginal Justice and the Department of Justice in their activities addressing aboriginal issues in the justice system, particularly in areas of potential overlap or mutual concern. In particular, the Advisory Committee on Aboriginal Justice will be given the opportunity to review results and advice in areas where cultural and gender concerns interrelate, and to append their comments if consensus cannot be reached.

703. This review will be viewed as the first phase of a long term undertaking, which could eventually include a more formally mandated process such as a task force, a commission, or a public inquiry. The larger process could potentially examine aboriginal as well as gender issues.

704. The initial review is expected to report by March 31, 1992.

#### Article 4.1

705. An affirmative action program and policy directives have been developed which are designed to set in place measures which will achieve equality in employment and career development of eligible target groups. The eligible target groups include resident women, resident aboriginal persons, and resident disabled persons.

706. The measures currently in place include preferential treatment in employment, training and hiring. Counselling, advertising, and special measures and projects are also being undertaken.

#### Article 4.2

707. The *Labour Standards Act* was amended in 1988 to provide for maternity leave. An employee is entitled to maternity leave of not more than 20 consecutive weeks commencing at any time during the period of 11 weeks immediately preceding the estimated time of delivery. This leave may be extended in certain circumstances.

708. Where an employee resumes employment on the expiration of the maternity leave granted, the employer shall reinstate the employee in the position the employee occupied on the date her maternity leave commenced or in a comparable position, at not less than the wages, benefits and seniority that had accrued to the employee on the date her maternity leave commenced, and with all increments to wages and benefits to which the employee would have been entitled had the leave not been taken.

709. The *Fair Practices Act*, as a result of the Supreme Court of Canada decision in *Brooks v. Canada Safeway*, treats discrimination on the basis of pregnancy as discrimination on the basis of sex.

## **Article 11**

710. The *Fair Practices Act* prohibits discrimination on the basis of sex in the field of employment, and the Affirmative Action Policy gives preferential treatment to women in employment situations.

711. The Government of the Northwest Territories and the Union of Northern Workers are jointly participating in a study to consider what action would be necessary to implement a program of equal pay for work of equal value for all employees within the bargaining unit and a number of positions outside the bargaining unit. It is anticipated that there will be sufficient evaluations done on the data collected to date to determine by June 1991 whether or not the Government of the Northwest Territories has equal pay for work of equal value. If it is found that there is not equal pay for equal work, the Union and the Government of the Northwest Territories will then consider the wage adjustments that will be necessary to establish equal pay for work of equal value.

### **Article 11: 1(f) and 2(d)**

712. New legislation has been tabled which strengthens health and safety in the workplace. The Government, through its collective agreement, guarantees employees the right to work in a safe and healthy environment and the right to refuse to perform unsafe or unhealthy tasks.







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# Convention on the Elimination of All Forms of Discrimination against Women

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## Fourth Report of Canada

covering the period  
January 1, 1991 to  
March 31, 1994







## **FOREWORD**

This report was submitted to the Secretary-General of the United Nations in September 1995. The report is the result of close collaboration between the Government of Canada and the governments of the provinces and territories. Within each jurisdiction, many departments and agencies contributed to the preparation of the report.

The preparation of the report has provided each jurisdiction with an opportunity to review the measures it has taken to ensure the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. This examination, along with the numerous consultations which accompany it, is invaluable in facilitating the implementation of the Convention in Canada.

The report is published so that it can be made available to interested groups and individuals. Through its publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Convention and to broaden their understanding of the obligations contracted by Canada through its ratification of this important international treaty.

Copies of the report, in Canada's two official languages, can be obtained from the Communications Branch or the Human Rights Directorate of the Department of Canadian Heritage in Ottawa, or at any regional office of the Department throughout Canada. The report is distributed free of charge.

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\* Geographical order, from east to west.



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## INTRODUCTION

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1. Canada ratified the *Convention on the Elimination of All Forms of Discrimination against Women* on December 10, 1981, and submitted its initial report in June 1983, its second report in January 1988, and its third report in September 1992. This report is the fourth submitted by Canada under the Convention. The main period covered is from January 1, 1991 to March 31, 1994 (with occasional references to developments of special interest which occurred since that time).
2. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan), and two territories (the Northwest Territories and the Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, the implementation of the treaties requires the active participation of the governments which have jurisdiction over the subject matters covered. In Canada, the responsibility for the subject matters covered by the *Convention on the Elimination of All Forms of Discrimination against Women* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.
3. This fourth periodic report is composed of four parts. Part I contains a review of the jurisprudence applicable to the Convention. Part II contains a review of measures adopted by the federal government. Part III contains a review of measures adopted by the provincial governments as prepared by these governments. Part IV contains a review of measures adopted by the territorial governments as prepared by these governments. The report follows, in as much as possible, the guidelines issued by the Committee on the Elimination of Discrimination against Women. The recommendations adopted by the Committee have also been taken into consideration, in particular the recommendation on violence against women.
4. In response to the wishes of the Committee for concise reports, efforts have been made to keep this report at reasonable length. Additional details on the situation of women in Canada can be found in other reports submitted to the United Nations, in particular in the reports submitted to the International Labour Organization on the Equal Remuneration Convention (N0 100) and on the Discrimination (Employment and Occupation) Convention (N0 111). Information can also be found in Canada's National Report to the United Nations for the Fourth World Conference on Women to take place in Beijing, China, in September 1995. Copies of this report will be made available to the members of the Committee on the Elimination of Discrimination against Women.
5. Previous reports under the Convention contained a statistical section. This report does not. However, copies of the third edition of *Women in Canada - A Statistical Report* will be made available to members of the Committee. That publication will be an updated and expanded version of the first and second editions published in 1985 and 1990. The new edition will be completed and published by Statistics Canada in August 1995.



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## PART I: REVIEW OF JURISPRUDENCE RELEVANT TO THE CONVENTION

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### Article 1 (definition of discrimination)

#### I Canadian Charter of Rights and Freedoms

##### Adverse effects discrimination

6. Section 15 (equality rights) of the *Canadian Charter of Rights and Freedoms* provides women with protection against adverse effects discrimination as well as direct or intentional discrimination. For example, in *Dartmouth/Halifax County Regional Housing Authority v. Sparks*, the Nova Scotia Court of Appeal held that provisions of the Nova Scotia *Residential Tenancy Act* which gave residential tenants security of tenure after five years possession, but expressly denied the benefit to public housing tenants, breached s. 15. The plaintiff was a single black mother on welfare assistance. The Court relied on statistical evidence about the composition of the class of public housing tenants to conclude that the legislation discriminated on the basis of race, sex and income. The decision was not appealed by the Attorney General of Nova Scotia. See also paras. 24, 34, 36, 42, 43 and 48.

##### Marital status

7. The Supreme Court of Canada has stated that s. 15 (equality rights) of the Charter extends to grounds analogous to those enumerated within it. In *Miron v. Trudel*, the Court concluded that marital status was an analogous ground, so that discrimination against common law spouses is contrary to s. 15 and requires justification under s. 1 (reasonable limits) of the Charter.

8. In the lower courts, s. 15 has been held to preclude discrimination against members of the following groups: unwed mothers and their children (*Panko v. Vandesype*); and single female parents (*R. v. Rehberg*).

##### Sexual orientation

9. In *Egan v. Canada*, the Supreme Court of Canada concluded that sexual orientation was an analogous ground under s. 15 of the Charter.

10. In *Haig v. The Queen*, the Ontario Court of Appeal held that s. 15 was violated by the failure of the *Canadian Human Rights Act* to include sexual orientation as a ground of discrimination. In *Douglas v. The Queen*, the plaintiff alleged that her dismissal from the Armed Forces because she was homosexual violated s. 15. The parties, after negotiations, agreed upon a draft judgment stating that s. 15 had been breached, which was signed by the Federal Court, Trial Division.

## **II Human rights legislation**

### Reasonable accommodation

11. In regard to adverse effects discrimination, the Supreme Court of Canada has held that human rights codes require employers to make reasonable accommodation to the needs of those protected by them. Some human rights codes make specific provision for reasonable accommodation for direct and indirect discrimination. In recent cases, the Supreme Court of Canada has applied the duty of reasonable accommodation to unions and collective agreements, and emphasized that it means making genuine efforts, beyond mere negligible effort, and may involve minor inconvenience to other employees (*Central Okanagan School District No. 23 v. Renaud*, *Commission Scolaire Régionale de Chambly v. Bergevin*).

12. In *Emrick Plastics v. Ontario (Human Rights Commission)*, the Ontario Court (Divisional Court) held that the employer had not made reasonable accommodation to a pregnant employee, a spray painter, when it declined to transfer her to the packing area, away from paint fumes which could be harmful to her during pregnancy.

13. In *Brown v. Department of National Revenue (Customs and Excise)*, a Canadian Human Rights Tribunal concluded that the employer discriminated against one of its customs inspectors because of her sex and marital status when it failed to accommodate her need for a change to straight dayshifts because of complications of pregnancy and childcare needs.

### Goods, services and facilities available to the public

14. In *University of British Columbia v. Berg*, the Supreme Court of Canada gave human rights legislation a broad application in one of the main areas covered by it, the provision of goods, services and facilities available to the public. The Court stated that it encompasses not just services and facilities available to all members of the public, but also those offered to smaller, more restricted groups — for example, in the circumstances of that case, services and facilities provided by a university to a graduate student suffering from depression.

## **Article 2 (basic measures)**

### **I Criminal law**

#### **(a) Women subjected to violence**

### Substance of offences

15. In *R. v. D.(F)*, the Ontario Court of Appeal held that a provision of the *Criminal Code* making it an offence for a man to have sexual intercourse with his step daughter (since repealed) did not involve discrimination on the basis of sex contrary to s. 15 of the *Canadian Charter of Rights and Freedoms*.

16. In *Daviault v. The Queen*, in the context of a sexual assault of a 65 year old disabled woman by a man in an extreme state of intoxication, the Supreme Court of Canada stated that

the mental element is an integral part of crime, and that to eliminate it would be contrary to the principles of fundamental justice in s. 7 and the presumption of innocence in s. 11(d) of the *Canadian Charter of Rights and Freedoms*. The Court further concluded that the basic intent required for the offence of sexual assault was negated by evidence of extreme intoxication akin to automatism or insanity. The Court emphasized that only in rare circumstances would this defence be available, and that the burden would be on the accused person to establish the defence on a balance of probabilities.

### Procedure and evidence

17. In *R. v. Litchfield*, the Supreme Court of Canada considered a case involving a physician charged with 14 counts of sexual assault against seven female patients. A lower court had ordered that three different trials be held depending on the part of the complainant's body involved in the assault — genitals, breasts or other areas of body. The Supreme Court set aside the pre-trial severance order on the ground that it worked an injustice to the Crown, the complainants and the administration of justice, because it placed an artificial barrier to the trial judge's ability to consider the respondent's conduct in all the circumstances.

18. In *R. v. Seaboyer*, the Supreme Court of Canada considered the compatibility with the presumption of innocence in the Charter of the provisions in the *Criminal Code* relating to evidence of sexual reputation/history in sexual assault cases. It concluded that the exclusion of evidence of the sexual reputation of the complainant for purposes of supporting or challenging credibility was consistent with the presumption of innocence of the accused persons in the Charter, because such evidence was not relevant to credibility. The Court pointed out that the idea that a complainant's credibility might be affected by whether she has had other sexual experience has been discredited. However, the exclusion of evidence of prior sexual activity of the complainant for other purposes, with certain narrow exceptions, was contrary to the presumption of innocence in the Charter. Although such evidence was not relevant to credibility or consent, it will be admissible if its probative value on other issues is not outweighed by prejudice flowing from it.

19. In *R. v. Osolin*, the Supreme Court of Canada, in the context of a sexual assault case, stated that the right to cross-examine witnesses in the Charter was subject to reasonable limitations, including considerations relating to the guarantee of equality to men and women in ss. 15 and 28 of the Charter. However, it was acceptable to cross-examine the complainant on her medical records, in particular on a notation in the records that she was concerned that her attitude or behaviour might have influenced the accused.

20. In *R. v. O'Connor*, in the context of an application for the medical records of the complainant in a sexual assault case, the British Columbia Court of Appeal stated that the court should follow a two-stage procedure in determining admissibility. First, the applicant must show that there is information likely to be relevant in the records ("fishing expeditions" are not acceptable). Second, the court must review such documents and admit only those portions that are in fact relevant. The decision is under appeal to the Supreme Court of Canada.



21. In *V.(K.L.) v. R.(D.G.)*, the British Columbia Court of Appeal declined to uphold an order requiring a complainant in a sexual assault case to produce her diaries for purposes of assessing damages against the respondent, her stepfather. The Court referred to the strong privacy interest in regard to personal journals, and to evidence given by psychiatrists of the role of keeping diaries in the healing of victims of sexual abuse.

### Compensation

22. In *L.(A.) v. Saskatchewan (Crimes Compensation Board)*, the Saskatchewan Court of Appeal held that s. 15 was not infringed when the Crimes Compensation Board reduced the compensation provided to a woman assaulted by her husband because she had remained with him for some time after he became abusive, on the ground that by doing so she had contributed to her own misfortune. The Board used the standard of the reasonably prudent person to assess her behaviour. (See para. 26 below on the test for "reasonableness" in the *Stadnyk* and *Lavallee* cases.)

### **(b) Pornography**

23. In *R. v. Butler*, the Supreme Court of Canada held that the prohibition of obscenity in the *Criminal Code* involved a *prima facie* infringement of the guarantee of freedom of expression in s. 2(b) of the Charter, but was justifiable because of its purpose of protecting vulnerable groups in society such as women and children.

### **(c) Facilities for women prisoners**

24. There have been a number of cases in which women prisoners have challenged the circumstances of their detention. For example, in *Horii v. R.*, the Federal Court of Appeal granted an interlocutory injunction against the transfer of a woman prisoner from an essentially male federal penitentiary to a provincial prison, because it would interfere with her completing her university degree at the penitentiary. In *C.(J.) v. Forensic Psychiatric Service Commissioner*, on the basis of s. 15 of the Charter, a female forensic patient at a psychiatric institute successfully challenged a policy limiting residence in cottage facilities (used to prepare inmates for their return to society) to male patients.

## **II Protection in human rights legislation against harassment**

25. In *Pond v. Canada Post Corporation*, a Canadian Human Rights Tribunal held that pornographic materials, and making offensive comments and gestures about women in a male dominated area, poisoned the complainant's work environment and constituted sexual harassment under the *Canadian Human Rights Act*.

26. In *Stadnyk v. Canada Employment and Immigration Commission*, a Canadian Human Rights Tribunal considered a complaint by a woman about a job interview for the position of information officer, where she was questioned about a complaint of sexual harassment against the same employer (the federal government) in her previous employment as a fire fighter, and her use of the media to publicize the complaint. The Tribunal noted that it should use the standard of the "reasonable victim" (in this case a reasonable woman), and take into account

that as a victim she would have a heightened degree of sensitivity and concern about sexual harassment. However, because of the nature of the job she was seeking, the Tribunal concluded that a "reasonable victim" would have not objected to the questions asked. The Review Tribunal upheld this decision. A similar concern regarding the use of the "reasonable man" standard was expressed by the Supreme Court of Canada in *R. v. Lavallee*, in accepting the defense of "battered wife's syndrome" in a murder case (see para. 122 of Canada's third report). Wilson J. stated that "[t]he definition of what is reasonable must be adapted to the circumstances which are, by and large, foreign to the world inhabited by the hypothetical 'reasonable man'" (p. 874).

### **III Civil liability for violence against women**

27. In *Norberg v. Wynrib*, the Supreme Court of Canada held that the defence of consent to an allegation of the tort of battery was not available where "consent" was given by a woman dependent on drugs to a sexual relationship with a doctor in order to obtain drugs. The Court stated that there was a marked inequality of bargaining power between the doctor and the patient in these circumstances, and exploitation of it by the doctor.

28. In *M.(K.) v. M.(H.)*, the Supreme Court of Canada considered the question of whether an action for damages for tort and breach of fiduciary duty, by a woman who had been subjected to incest as a child by her father, was barred by the limitations period. The Court stated that incest is both a tortious assault and a breach of the fiduciary duty between parent and child. In regard to the tort action, the limitation period had not expired because the plaintiff, although she had been aware of the incest for several years, had suffered from "post-incest" syndrome, and therefore had not appreciated that the wrongful conduct was her father's responsibility rather than her own. In regard to the claim of breach of fiduciary duty, the limitation period did not apply, nor, in the circumstances under consideration, was the equitable doctrine of laches applicable.

### **IV Repeal of discriminatory laws**

29. As indicated above, in the *Sparks* case a law involving discrimination against women was struck down. See also *Manitoba Council of Health Care Unions* in para. 36 below, *Rehberg* in para. 42 and *Salituro* in para. 46.

### **Article 4 (special temporary measures)**

30. In *Conway v. Canada (Attorney General)*, the Supreme Court of Canada held that it was not contrary to s. 15 of the Charter for female guards to be permitted to frisk male inmates, although male guards could not frisk female inmates (because they could not be employed in female penitentiaries). The Court stated that s. 15 does not require identical treatment, and that different treatment may be called for in certain cases to promote equality. In the circumstances under consideration, given the historical, biological and sociological differences between men and women, the effect of cross-gender searching is more threatening for women than for men. If there were any infringement of s. 15, the achievement of employment equity would be a relevant consideration in justifying the policy within the terms of s. 1 (reasonable limits) of the Charter.



### **Article 5 (stereotyping)**

31. Canadian courts have emphasized in a number of cases the importance of avoiding stereotyped ideas about women. For example, in the *Rehberg* case (see para. 30 below), the court referred to evidence that the "man-in-the-house rule" was based on stereotypical notions of women.

### **Article 6 (prostitution)**

32. In *R. v. Downey*, the Supreme Court of Canada considered the question of whether s. 195(2) of the *Criminal Code*, according to which evidence that a person lives or is in the continual company of prostitutes is, in the absence of evidence to the contrary, evidence that he lives off the avails of prostitution, was contrary to the presumption of innocence guaranteed by s. 11(d) of the Charter. The Court stated that although s. 195(2) involved a *prima facie* infringement of s. 11(d), it was a reasonable limit within the terms of s. 1 of the Charter because it served the important objective of attempting to deal with a cruel and pervasive social evil — that is, the exploitative activity of pimps.

### **Article 7 (political and public life)**

33. In *Native Women's Association of Canada v. Canada*, the Supreme Court of Canada considered a claim by the Native Women's Association of Canada (NWAC) that ss. 2(b) (freedom of expression), 15 (equality rights) and 28 (equal guarantee of Charter rights to men and women) of the Charter were breached when the federal government did not provide NWAC with direct funding to take part in constitutional discussions, although other Aboriginal groups alleged to be male dominated were so funded. The Court noted that there was no evidence that the funded groups were less representative of the views of women, and stated that freedom of expression does not generally include the right to receive positive assistance from government.

34. In 1985, with the enactment of Bill C-31, the rights of women who had previously lost Indian status and band membership as a result of marrying non-Indians were restored, and also those of their children. Their right to reside on the reserve, however, depended on the availability of accommodation there, and in particular on the decision of the Band Council. Furthermore, pursuant to s. 77(1) of the *Indian Act* only Band members resident on the reserve had the right to vote in Band elections. In *Batchewana Indian Band (Non-Resident Members) v. Batchewana Indian Band*, the Federal Court, Trial Division held that s. 77(1) infringed s. 15 of the Charter in its application to the Batchewana Band, noting that band members off reserve were for the most part "Bill C-31 women and children", and therefore a historically disadvantaged group within the ambit of s. 15 (under appeal).

### **Article 9 (nationality)**

35. Before February 15, 1977, children born abroad of Canadian fathers or Canadian mothers in the case of a child born out of wedlock, were entitled to Canadian citizenship if their birth was registered within the prescribed period. This was not the case for children born abroad of Canadian married mothers and non-Canadian fathers. In *Benner v. Canada*



(*Secretary of State*), the Federal Court of Appeal held that the denial in 1989 of citizenship to a man born abroad in 1962, in wedlock, to a Canadian mother was not discrimination on the basis of sex contrary to s. 15 of the Charter (under appeal). The Court noted that s. 15 does not have retroactive application, and in any event, the difference in treatment was not because of the sex of the applicant.

### Article 11 (employment)

36. In *Manitoba Council of Health Care Unions v. Bethesda Hospital et al.*, the Manitoba Court of Queen's Bench held that a provision of the *Pay Equity Act* limiting pay equity adjustments on the part of employers to one percent of the previous year's payroll violated s. 15 of the Charter. The Court stated that it permitted continued discrimination against persons performing women's work.

37. In *Alberta Hospital Association v. Parcels*, the Alberta Court of Queen's Bench held that a requirement in a collective agreement that persons on maternity leave prepay 100 percent of their premiums for benefits, whereas persons on sick leave were only required to prepay 25 percent of the premiums, was discriminatory respecting that part of maternity leave which is health related, contrary to the *Alberta Individual's Rights Protection Act*. See also paras. 11, 30 and 43.

38. In *Chiang v. Natural Sciences and Engineering Research Council*, a Canadian Human Rights Tribunal held that the policy of the Natural Sciences and Engineering Research Council (NSERC) that a scientist's grant money could not be used to employ family members constituted discrimination on the ground of family status contrary to the *Canadian Human Rights Act*. The Tribunal ruled that in order to sustain a defence against a complaint of discrimination of this nature the organization in question must show that the policy was objectively related to the situation. A sweeping prohibition on employing relatives without criteria for exceptions could not be justified. Subsequent to this decision, NSERC removed this policy but has maintained the following clause in its guidelines governing the use of grant funds: "Payment of Family Members: Since NSERC has no regulation prohibiting payment of family members from an NSERC grant, the policy of each university applies in such cases. Universities that allow the hiring of family members must ensure that conflict of interest is avoided regarding performance evaluations and related matters."

39. In *Floyd v. Canada Employment and Immigration Commission (CEIC)*, a Canadian Human Rights Tribunal held that the CEIC had discriminated against the complainant by reducing her entitlement to unemployment insurance benefits because of her pregnancy. Under the *Unemployment Insurance Act* at that time, she received only 28 weeks of unemployment insurance, not the 35 weeks to which she would have been entitled if she had not been pregnant. The Act was subsequently amended.

### Article 12 (health)

40. In *Lexogest Inc. et al. v. Manitoba (Attorney General) et al.*, the Manitoba Court of Queen's Bench held that a regulation denying health coverage for therapeutic abortions

performed at an abortion clinic rather than in a hospital was invalid because it was not authorized by the Manitoba *Health Services Insurance Act*. See also paras. 17 and 27 above.

41. In *Ontario (Attorney General) v. Dieleman*, the Ontario Court (General Division) concluded that an interlocutory injunction prohibiting anti-abortion activity near abortion clinics and the residences and offices of health care providers was a reasonable limit of free expression as guaranteed by s. 2(b) of the *Canadian Charter of Rights and Freedoms*, because of the need to protect the physiological, psychological and privacy interests of women seeking abortions, to protect the safety and privacy of health care providers and their families, and to ensure the continued availability of abortion services.

## **Article 13 (economic and social benefits)**

### **I Economic benefits**

#### **Canadian Charter of Rights and Freedoms**

42. In *R. v. Rehberg*, the Supreme Court of Nova Scotia held that a provision of the *Family Benefits Act* disentitling single parents to social assistance if they were cohabiting with a person of the opposite sex ("the man-in-the-house-rule") violated s. 15 of the Charter (under appeal). The Court noted that 97 percent of the persons disentitled to assistance because of the provision were women, and that there was a discriminatory effect on single mothers on family benefits.

43. In *Symes v. Canada*, the Supreme Court of Canada held that s. 15 of the Charter was not violated by the exclusion of child care expenses from business deductions for income tax purposes, where there was a child care expense deduction of a specific amount under the *Income Tax Act*. The Court indicated that the exclusion did not involve adverse effects discrimination against women, because, although it was clear their share of the child care burden in society was disproportionate, the plaintiff had not established that women bore a disproportionate share of child care expenses.

44. There have been a number of cases involving allegations of discrimination on the basis of sex or marital status in the area of pension benefits. For example, in *McLeod v. Attorney General (Canada)*, the Alberta Court of Queen's Bench held that it was not contrary to s. 15 of the Charter for survivor's benefits under the *Canada Pension Plan* to go to the common law spouse, rather than to the legal spouse from whom the deceased person was separated.

### **II Social benefits**

45. In *Gould v. Yukon Order of Pioneers, Dawson Lodge No. 1*, the Yukon Territory Court of Appeal held that a provision of the *Human Rights Act* of the Yukon Territory prohibiting discrimination on the basis of sex in the provision of services to the public was not breached when the Yukon Order of Pioneers denied membership to the female plaintiff because of her sex (under appeal). The Yukon Order of Pioneers is a fraternal organization largely social in nature but which also collects and preserves Yukon history. The Court concluded that there was discrimination against the plaintiff, but that it was not in the provision of services to the

public. It stated that although the Yukon Order of Pioneers provides the results of its historical research to the public, it did not follow that women had the right to participate in such research to ensure that it was not biased.

### **Article 15 (legal capacity)**

46. In *R. v. Salituro*, the Supreme Court of Canada changed the common law rule prohibiting spouses of accused persons from being witnesses for the prosecution to permit separated spouses to give evidence. The Court stated that it had a duty to ensure that the common law developed in a manner compatible with Charter values, and that the rule in question was not compatible with the importance now given to sexual equality.

### **Article 16 (family and marriage)**

#### **(i) Canadian Charter of Rights and Freedoms**

47. In *Schachter v. Canada*, referred to in para. 114 of Canada's Third Report, the Federal Court, Trial Division held that it was contrary to s. 15 of the Charter for the *Unemployment Insurance Act* to provide parental benefits to natural mothers and adoptive parents, but not to natural fathers (appeal denied in the Federal Court of Appeal). Subsequently, the Supreme Court of Canada, dealing with the issue of remedy only, concluded that the appropriate remedy in this case would have been to declare the legislative provision void and of no effect, and to suspend the declaration of invalidity to provide Parliament with time to amend the provision. However, the Court did not make the order because the legislation had already been amended.

48. In *Thibaudeau v. Canada*, the Supreme Court of Canada held that provisions of the *Income Tax Act* requiring persons receiving child support payments to include them in their income for tax purposes, and permitting those paying child support to deduct them from income, did not contravene s. 15 of the Charter. The Court stated that the provisions in question are designed to minimize the tax consequences of support payments, thereby promoting the best interests of the children by ensuring that more money is available to provide for their care.

#### **(ii) Divorce Act**

49. In *Moge v. Moge*, the Supreme Court of Canada concluded that a divorced wife was entitled under the *Divorce Act* to continue to receive financial support from her former husband for an indefinite period, because it was not feasible in the circumstances for her to become self sufficient. The Court noted that the objective of self sufficiency is only one of several criteria governing maintenance awards in the Act, and that it is a goal only in so far as is practicable. The Court also relied upon evidence that divorce and its economic effects are contributing to the feminization of poverty in Canada.

50. Section 68 of the *Bankruptcy Act* enables a court to order a bankrupt person or his/her employer to pay a portion of his/her wages to the trustee in bankruptcy for purposes of ensuring the discharge of his/her family responsibilities. In *Marzetti v. Marzetti*, the Supreme



Court of Canada was called upon to decide whether s. 68 could be relied upon to order the Crown to pay part of the bankrupt's income tax refund to the Director of Maintenance Enforcement, for the benefit of his wife and children. In concluding that s. 68 permitted such an order, the Supreme Court noted that public policy goals supported this interpretation, and referred in particular to the goal of defeating the role of divorce in the feminization of poverty, that it had recognized in the *Moge* case.

51. In *Young v. Young*, the Supreme Court of Canada held that the application of the best interests principle in the *Divorce Act* to a claim by a parent with visiting rights to involve his children in religious activities did not infringe the *Canadian Charter of Rights and Freedoms*.

### **CASE CITATIONS: REVIEW OF JURISPRUDENCE**

Alberta Hospital Association v. Parcels, (1992) 17 C.H.R.R. D/167 (Alta. Q.B.)

Batchewana Indian Band (Non-Resident Members) v. Batchewana Indian Band, [1994] 1 F.C. 394 (F.C.T.D.)

Benner v. Canada (Secretary of State), [1994] 1 F.C. 250 (Fed. C.A.) (under appeal)

R. v. Biddle, (Ont. C.A., August/93)

Brown v. Minister of National Revenue (Customs and Excise), (1994) 19 C.H.R.R. D/39 (C.H.R.T.)

R. v. Butler, [1992] 1 S.C.R. 452

C.(J.) v. Forensic Psychiatric Service Commissioner, (1992) 8 C.R.R. (2d) 260 (B.C.S.C.)

Central Okanagan School District No. 23 v. Renaud, [1992] 2 S.C.R. 970

Chiang v. Natural Sciences and Engineering Research Council of Canada (1993) 17 C.H.R.R. D/63 (C.H.R.T.)

Commission scolaire régionale de Chambly v. Bergevin, [1994] 2 S.C.R. 225

Conway v. Canada (Attorney General), [1993] 2 S.C.R. 872

R. v. D. (F.), (1992) 77 C.C.C. (3d) 575 (Ont. C.A.)

Dartmouth/Halifax County Regional Housing Authority v. Sparks, (1993) 101 D.L.R. (4th) 224 (N.S.C.A.)

Daviault v. The Queen [1994] 3 S.C.R. 63

Dieleman, Ontario (Attorney General) v., (1994) 20 O.R. (3d) 229 (Ont. Ct., Gen. Div.)

Douglas v. The Queen, (1993) 93 CLLC 16,031 (F.C.T.D.)

R. v. Downey, [1992] 2 S.C.R. 10

Egan v. Canada, (S.C.C., May 25/95)

Emrick Plastics v. Ontario (Human Rights Commission), (1992) 90 D.L.R. (4th) 476 (Ont. Div. Ct.)

Floyd v. Canada Employment and Immigration Commission, (1992) 93 C.L.L.C. 17,008 (C.H.R.T.)

Gould v. Yukon Order of Pioneers, Dawson Lodge No. 1, (1993) 100 D.L.R. (4th) 596 (Y.T.C.A.), under appeal

Haig v. The Queen, (1992) 94 D.L.R. (4th) (Ont.C.A.)

Horii v. R., (1991) 7 Admin. L. R. (2d) 1 (Fed. C.A.)

L. (A.) v. Saskatchewan (Crimes Compensation Board), [1992] 6 W.W.R. 577 (Sask. C.A.)

Leroux v. Co-Operators General Insurance Co., (1991) 4 O.R. (3d) 609 (Ont.C.A.) (under appeal, sub nom. Miron v. Trudel)

Lexogest Inc. et al. v. Manitoba (Attorney General) et al., (1992) 82 Man. R. (2d) 64 (Q.B.)

R. v. Litchfield, [1993] 4 S.C.R. 333

M.(K.) v. M.(H.), [1992] 3 S.C.R. 6

Manitoba Council of Health Care Unions v. Bethesda Hospital et al., (1992) 88 D.L.R. (4th) 60 (Man. Q.B.)

Marzetti v. Marzetti, [1994] 2 S.C.R. 765

McLeod v. Attorney General (Canada), (Alta.Q.B., Dec. 10/93))

Miron v. Trudel, (S.C.C., May 25/95)

Moge v. Moge, [1992] 3 S.C.R. 813

Native Women's Association of Canada v. Canada, [1994] S.C.R. -

Norberg v. Wynrib, [1992] 2 S.C.R. 226

Panko v. Vandesype, (1993) 101 D.L.R. (4th) 726 (Sask. Q.B.), under appeal

Pond v. Canada Post Corporation, unreported decision of a Canadian Human Rights Tribunal

R. v. Lavallee, [1990] 1 S.C.R. 852

R. v. O'Connor, (1994) 30 C.R. (4th) 55 (B.C.C.A.), under appeal

R. v. Osolin, [1993] 4 S.C.R. 595

R. v. Rehberg, (1994) 19 C.R.R. (2d) 242 (N.S.S.C.)

R. v. Salituro, [1991] 3 S.C.R. 654

Schachter v. Canada, [1992] 2 S.C.R. 679

R. v. Seaboyer, [1991] 2 S.C.R. 577

Stadnyk v. Canada Employment and Immigration Commission, (1993) 93 C.L.L.C. 17,027 (C.H.R.T.); Review Tribunal (March 7/95, unreported)

Symes v. Canada, [1993] 4 S.C.R. 695

Thibaudeau v. Canada, (S.C.C., May 25/95)

University of British Columbia v. Berg, [1993] 2 S.C.R. 353

V.(K.L.) v. R.(D.G.), (B.C.C.A., September 2/94)

Young v. Young, [1993] 4 S.C.R. 3



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## PART II: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

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### Article 2(c): Protection of women's legal rights

52. The Court Challenges Program mentioned in previous reports was terminated in 1992 as part of the federal expenditure reduction effort. In August 1993, in response to a recommendation from a Parliamentary Committee and representations by many women's groups and other equality-seeking groups, the Government pledged to restore the Program at its former funding level of \$2.75 million per year. The Program was reinstated in October 1994 following extensive consultations with interested groups. It will provide financial assistance for test cases of national significance put forward on behalf of or by groups or individuals that will clarify Canada's language and equality rights under the Constitution.

53. Cases eligible for funding under the Program involve federal and provincial language rights protected by the Constitution as well as challenges to federal legislation, policies and practices based on section 15 (equality) of the *Canadian Charter of Rights and Freedoms* and section 28 (equality of sexes), or in which an argument based on section 27 (multicultural heritage) is made in support of arguments based on section 15. The Program will be administrated by the Court Challenges Program of Canada Corporation, a non-profit agency, at arm's length from government, with representation on the governing body from among others, the private bar, interested non-governmental organizations and academics.

54. The federal government announced in the 1994 Speech from the Throne to open Parliament that amendments will be proposed to the *Canadian Human Rights Act*.

### Article 2(f): Legislative changes

55. *An Act to amend the Criminal Code (sexual assault)* came into force in August 1992. The Act provides a test for determining the admissibility of evidence of a complainant's sexual activity in trials of sexual offenses, and sets out strict procedures to be followed. The Act also defines for the first time the concept of consent, as it relates to sexual assault.

56. The *Corrections and Conditional Release Act* received Royal Assent in June 1992. This Act gives victims a greater role in parole hearings, and greater access to information concerning the parole status of an offender. Judges were given the power to establish the parole eligibility date for "violent" and serious drug offenders. This provides greater protection to society.

57. *An Act to amend the Criminal Code and the Young Offenders Act* came into force in August 1993. The Act features a new provision that prohibits criminal harassment (stalking). It also amends the law to:

- create a new offence for attempting to remove a child, who is ordinarily resident in Canada, with the intent of committing a sexual offence or assault against the child;

- clarify the types of bail conditions that can be imposed on offenders, including in situations of family violence. As an example, one such bail condition can be that the accused not go to a particular place and not communicate with any witness or other person named in the order;
- allow courts to prohibit convicted child sex offenders from frequenting public places where children are likely to be found, or being employed, whether paid or voluntary, in positions of trust over children;
- to permit a support person to accompany a child victim of sexual abuse while testifying.

58. *An Act to amend the Criminal Code and the Customs Tariff (child pornography and corrupting morals)* came into force on August 1, 1993. This Act amended the *Criminal Code* to provide better protection to children from sexual abuse and sexual exploitation linked to pornography. The Act included new provisions that specifically prohibit the possession, production, sale and distribution of child pornography.

### **Article 2(g): Penal provisions**

59. The Comprehensive Sentencing Reform Bill was tabled in June of 1994. The Bill sets out the purposes and principles of sentencing. It makes "hate crime" (a crime motivated by hatred against a group on grounds such as race or sex) an aggravating factor in sentencing. Abuse of a position of trust is also included as an aggravating factor in sentence. These provisions will help to ensure that violent crimes committed against women are properly dealt with by the courts.

60. The Sentencing Reform Bill will also assist women offenders by ensuring that an offender unable to pay a fine only goes to jail as a last resort. Fines as a sanction cannot be imposed by a judge if the offender is unable to pay. Since many women receive jail sentences for non-payment of fines, this proposal will assist poor women.

### **Article 3: Measures to ensure the advancement of women**

61. New guidelines on women refugees were issued in March 1993 by the Immigration and Refugee Board. The *Guidelines on Women Refugee Claimants Fearing Gender-related Persecution* are designed to ensure that the United Nations' definition of Convention refugee is applied to gender-related refugee claims in a manner which acknowledges ways in which persecution may be experienced by women in their countries of origin.

62. As part of the federal immigrant integration strategy, a new federal immigrant language policy was introduced with the goal of making language training for immigrants more accessible. In June 1992, two language training programs were introduced: Language Instruction for Newcomers to Canada (LINC) and Labour Market Language Training (LMLT). By offering a variety of training options, including part-time and workplace-based training, LINC should increase access to training for women. Childcare is provided on and off site during training sessions. LMLT provides specialized language training beyond



LINC's basic level. It is aimed at immigrants and refugees who have (or have the potential to acquire) occupational skills that are in demand in their local labour market.

63. The Live-In Caregiver Program enables people to come to Canada as caregivers who work and live in Canadian homes (the majority of applicants are women). When the Program was established in April 1992, the eligibility criteria changed from the previous Foreign Domestic Movement Program. The new requirements included the equivalent of Canadian grade twelve education and six months full time training in a field related to caregiving. These changes were criticized by a parliamentary sub-committee. The Canadian Human Rights Commission also expressed concerns over the changes. In June 1993, the Government agreed that verifiable on-the-job experience should be recognized for purposes of qualification. Subsequently, the Immigration Regulations were changed so that applicants were required to have at least twelve months experience in employment related to the job being offered in Canada or six months of full time training. This change took effect on March 16, 1994.

64. In 1989, a Plan of Action for Aboriginal Women and Economic Development was put together by a working group composed of representatives from the three national Aboriginal women's groups and Status of Women Canada (as referred to in paragraph 148 of the Third Report). The Plan was the catalyst for the creation of an Aboriginal Women and Economic Development Steering Committee and Co-ordinator's office, announced in March 1991. Now incorporated as a non-profit organization, the Economic Development for Canadian Aboriginal Women was allocated federal funding of \$840,000 in March 1991 to develop education and training opportunities to foster economic and business skills among Aboriginal women, develop a data base on the economic activities of Aboriginal women, communicate and network, and engage in ongoing consultations with the federal government. The contribution agreement ended in March of 1995.

65. In August 1991, the Government established the Royal Commission on Aboriginal Peoples to examine the broad range of issues concerning Aboriginal peoples in Canada. The Commission is composed of seven Commissioners, three of whom are women. As part of its mandate, the Commission is examining the position and role of Aboriginal women under existing and future social conditions and legal arrangements. Its final report is expected in the fall of 1995.

66. A Parliamentary Subcommittee on the Status of Women began hearings on the issue of violence against women in November 1990. Its report, *The War Against Women*, was tabled in the House of Commons in June 1991. Status of Women Canada co-ordinated the federal response to the report, *Living Without Fear...Every Woman's Right, Everyone's Goal*, which was tabled in the House of Commons in November 1991.

67. In August 1991, the Government announced the establishment of the Canadian Panel on Violence Against Women. The Panel's final report *Changing the Landscape: Ending Violence - Achieving Equality* was publicly released in July 1993. The final report contains historic information, an analytical framework and almost 500 recommendations pertaining to all sectors of society. The Panel's report addresses violence-specific issues and recommendations but also casts the issue of women's victimization in a framework of overall gender equality.



68. A *Community Kit* and a video were also released by the Canadian Panel on Violence Against Women. A demonstration project was held in ten communities across the country and the experiences were published in *Community Stories: Taking Action on Violence Against Women* in the fall of 1994.

69. *An Act respecting a national day of remembrance and action on violence against women* received Royal Assent in October 1991, and on each December 6th, community events are held across the country to encourage the people of Canada to take action to eliminate violence against women.

70. The federal government is contributing to the Canadian Association of Broadcasters' (CAB) *Speak Out against Violence* public service announcement campaign to counteract violence in Canadian communities. The key themes include: women and violence, children and violence, fear of violence, and media violence. The government contributed \$555,000 to the first year of this three year campaign, while private radio and television broadcasters, members of the CAB, are providing \$10 million in air time to broadcast the public service announcements.

71. Canada has recently launched two major international initiatives to counter violence against women. One initiative resulted in the adoption by the United Nations of the *Declaration on the Elimination of Violence against Women* in December 1993. The second initiative in 1994 resulted in Canada playing a leading role in ensuring that the United Nations Commission on Human Rights approve and subsequently appoint a Special Rapporteur on Violence against Women.

72. In November 1994, the federal government announced a National Information System on Child Sex Offenders. The system is based on the national police data-base and will allow organizations and employers that staff positions (paid or volunteer) involving trust or authority over children to work with local police to screen out applicants who have criminal records for sexual offenses, including sexual offenses against children. The government also announced the funding of a public education project which will be undertaken by a national non-governmental organization and which will result in a comprehensive volunteer/employee screening manual for national distribution, as well as community training workshops in over 200 communities.

73. A National Crime Prevention Council was created in July 1994 as part of the National Strategy on Community Safety and Crime Prevention. The Council is an advisory body that has been set up to share and exchange crime prevention information, research and activities across the country, and to co-ordinate existing and future efforts in crime prevention. It will report annually to the federal, provincial and territorial Ministers of Justice and will advise them on possible actions to prevent and deal effectively with crime. Issues related to violence against women are expected to be an important component of the Council's work.

#### Article 4.1: Temporary special measures

##### (i) Employers under federal jurisdiction

74. The *Employment Equity Act* includes a provision whereby in 1991, and again in 1994, the provisions, operation and effect of the Act are reviewed by Parliament. The first report *A Matter of Fairness* was tabled in the House of Commons in May 1992. The Report contained 31 recommendations which aimed at expanding the Act to include the federal public service, the Royal Canadian Mounted Police, the Canadian Armed Forces, Parliament, and all federal agencies, boards and commissions. In the federally regulated private sector, the Committee proposed to extend the Act to include employers with 75 employees or more (it currently applies to federally regulated employers and some Crown Corporations with 100 or more employees). The Committee also recommended a stronger enforcement role for the Canadian Human Rights Commission. A new Employment Equity Bill addressing most of these concerns is currently being reviewed by a parliamentary committee.

##### (ii) Public Service

75. The principle of employment equity has been applied to the federal public service since 1983. A new employment equity strategy was adopted in 1991, utilizing a revised objective-setting method based on recruitment, promotion and retention rather than simple numerical representation, thereby putting more onus on managers to improve employment practices and the corporate culture. With the adoption of the *Public Service Reform Act* (1992), employment equity for the public service is now legislated in both the *Financial Administration Act* and the *Public Service Employment Act*.

76. The federal government has undertaken a major reform of the public service job classification system. The achievement of equal pay for work of equal value requires the use of a common tool to evaluate all jobs, whether they are performed by men or women. For this reason, the Government began undertaking, in January 1991, a Universal Classification Standard in the federal public service, thereby simplifying the process of evaluating jobs. The Universal Classification Standard is still being examined.

77. The Report of the Task Force on Barriers to Women in the Public Service, *Beneath the Veneer*, was released in April 1990. It suggests the Public Service should focus on balanced representation of women at all levels of the work force. In July 1991, Treasury Board released a report, *Responding to Beneath the Veneer* on how departments and agencies are responding to the Task Force recommendations.

78. On behalf of the Treasury Board of Canada, the Public Service Commission administers the Special Measures Initiatives Program designed to provide practical means to federal institutions to achieve their employment equity objectives. These measures are "special" because they are temporary support measures for the federal employment equity program which aims at providing employment opportunities to members of designated groups, increasing the likelihood of retaining these individuals within a culturally diverse and fully representative workplace. Women, Aboriginal peoples, members of the visible minority groups and persons with disabilities constitute the designated groups in the federal public service.



## **Article 5: Elimination of stereotypes**

79. The Government believes it is important that women have equal opportunity to participate fully in all aspects of the Canadian broadcasting system. The Government fully addressed this issue in the new *Broadcasting Act*, proclaimed in June 1991. The new Act states that the Canadian broadcasting system should "through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights,..." This legislation applies to all broadcasters, requiring them to comply with the practice of employment equity by employing a broad cross-section of Canadians at all levels of the industry.

80. In May 1992, the Canadian Radio-television and Telecommunications Commission (CRTC) released two studies on television violence: *Scientific Knowledge about Television Violence*, an overview of 200 scientific studies, and *Summary and Analysis of Various Studies on Violence and Television*.

81. *Television Violence: Fraying the Social Fabric*, a report of the Standing Committee on Communications and Culture, was released in June 1993. The Parliamentary Committee unanimously recommends that federal and provincial governments work together in establishing a classification system for television programming and films and videos to help Canadians control and moderate the profusion of violence appearing on their television screens. In addition, the Report calls on Canada's television industry to immediately develop and adopt codes of ethical programming to dramatically reduce violence and urges the CRTC to use its regulatory influence in accelerating and sustaining broadcasting conformity to such industry codes.

82. In September 1993, the Action Group on Violence on Television, an organization representing all components of the Canadian broadcasting industry, set out a six-point statement of principles, establishing the basic standards for the depiction of violence in television programming. The Action Group has also established a number of sub-committees to develop a classification system, as well as to initiate educational programs and maintain liaison with parent and teacher groups.

83. In October 1993, the CRTC announced approval of the code on television violence developed by the Canadian Association of Broadcasters, the organization which represents private television and radio companies. The code went into effect on January 1, 1994 and compliance with the code has been made a condition of license renewal. Other sectors of the broadcasting industry have submitted their own code on violence to the CRTC for their approval.

## **Article 6: Prostitution**

84. In November 1992, a review of prostitution-related legislation, policy and practices was initiated by federal, provincial and territorial deputy ministers of Justice. A working group has been set up to perform this task and report to the deputy ministers of Justice.



## **Article 7: Women in politics and public life**

### **(i) Appointments**

85. In 1994, 16 out of the 103 appointed senators were women. In 1993, the Prime Minister appointed the first woman as Government Leader in the Senate.

86. The percentage of women appointed to federal agencies, boards and commissions is 31.2 percent. In 1994, the Prime Minister appointed the first woman Clerk of the Privy Council, the highest position in the federal public service. In the federal public service, 16.7 percent of deputy ministers are women (1994) and, in 1992, women held 17.1 percent of executive managerial positions.

### **(ii) Judiciary**

87. In January 1991, there were 858 federally appointed judges. Of these, 84 (or 9.8 percent) were women. As of April 1994, there were 950 appointed judges. Of these, 122 (or 12.8 percent) were women.

88. In April 1994, changes were made to the federal judicial appointment process to ensure that more women are considered for judicial appointments. New advisory committees have been established in each province and territory. Advisory committees will receive instruction on diversity issues. Greater public accountability of the work undertaken by the advisory committees will include a greater participation of lay members selected for their ability to reflect the diversity of their communities.

### **(iii) Armed Forces**

89. The total proportion of women in the Regular component of the Canadian Forces (CF) increased slightly from 10.5 percent in 1990 to 11 per cent in January 1995. During that same period, women in the Reserve component increased from 21 to 21.8 percent. Regular Force women in non traditional occupations (qualified or in training) increased from 455 in February 1991 to 523 in January 1995. Similarly, Reserve Force women in non traditional occupations increased from 1126 to 1956.

90. The name of the Minister's Advisory Board on Women in the Canadian Forces was changed to the Minister's Advisory Board on Gender Integration in the CF (MABGICF). The board was formed in 1990, to monitor the integration of women in the CF. The MABGICF identified harassment as the major obstacle faced by women seeking a career in the CF. In response to criticism by the MABGICF, the CF has assiduously addressed this issue. Harassment awareness programs and a zero incidence (of harassment) policy have been developed and implemented. Significant progress has been and continues to be made in the areas of harassment prevention and education.

### **(iv) Royal Canadian Mounted Police (RCMP)**

91. In 1988, the National Recruitment Team of the RCMP was formed. Its responsibility was to complement the divisional recruitment strategies in an effort to encourage women and

other target groups to enter the RCMP. As their mandate has largely been met, members of the team are presently being transferred to other areas of the Force, with their positions being dispersed to those divisions in which target group recruiting still requires a specific focus, specifically in large urban centres such as Toronto (Ontario), Montréal (Québec) and Vancouver (British Columbia).

92. Women represent 9.9 percent of the regular membership of the Force, with 7.5 percent in the Special Constable and 43.4 percent in the Civilian Member areas. Of the 346 recruits who were engaged in 1993-1994, 72 (or 20.8 percent) were women.

93. The RCMP has increased promotional opportunities for women who are interested in becoming Commissioned Officers by allowing Corporals to compete for commissions.

(v) Non-governmental organizations

94. In February 1993, the Women's Program at Human Resources Development was renewed. The Women's Program is responsible for providing financial and technical assistance to voluntary organizations working towards equality for women. For over twenty years, the Program has supported hundreds of voluntary organizations to undertake activities such as conferences, research, and public education on women's equality issues.

95. The Aboriginal Women's Program of the Department of Canadian Heritage is the primary source of funding to Aboriginal women's organizations for purposes of improving their socio-economic and political status. The overall mandate of this program is to enhance, promote and foster the social, cultural, economic and political well-being of Aboriginal women within their own communities as well as within Canadian society. Three national Aboriginal women's associations are funded under the program which work with all levels of government to address the doubly disadvantaged position of Aboriginal women in Canadian society.

96. The multiculturalism funding programs in the Department of Canadian Heritage address the difficulties that immigrant, ethnocultural and visible minority Canadians have in integrating and participating fully and equitably in society. The programs also deal with issues surrounding family violence and wife assault. Eligible applicants for funding include immigrant and visible minority women's organizations, ethnocultural groups, immigrant serving agencies, as well as mainstream agencies and individuals, including academic researchers.

(vi) Disabled women

97. DAWN Canada (Disabled Women's Network Canada), a national, feminist, cross-disability network for women, was founded by the Status of Disabled Persons Secretariat in 1985 (refer to paragraph 189 of Third Report). In early 1991, DAWN Canada began the process of facilitating a national consultation between the federal departments participating in the Family Violence Initiative and organizations working with persons with disabilities. Under the Family Violence Initiative, consumer organizations had an opportunity to identify how they might co-ordinate their efforts in addressing violence against persons with disabilities, and to hear from federal departments about their policy funding areas. Both the



Family Violence Initiative and the Disabled Persons Participation Program Fund have funded numerous projects addressing women with disabilities.

### **Article 8: Women as international representatives**

98. Paragraph 191 of the Third Report identifies Canada's objectives with regard to the representation of women in international organizations. Furthermore, in the context of the promotion of women within the United Nations Secretariat, Canada is actively encouraging the adoption of policies and practices to discourage and eliminate any and all forms of sexual harassment.

99. The Department of Foreign Affairs and International Trade is committed to improving the career prospects of women by increasing their representation in management and by facilitating their access to non-traditional occupations. Significant progress has been made in the recruitment of women in the Foreign Service Officer group in recent years. In the past three years, recruitment of female foreign service officers has surpassed 40 percent. The promotion rate of women has also increased dramatically in the past years. In 1993, 31 percent of foreign service officers promoted were women. The retention of women is also higher than that of men in this category. In April 1994, 14 of 110 heads of mission were women.

100. In April 1994, Canadian women occupied the following international positions: Executive Director - UNEP, Assistant Secretary General, Human and Social Sciences - UNESCO, Director, Information Division - NATO, Director, Evaluation and Strategic Planning - UNDP, Comptroller - UNHCR, Co-ordinator, Women Refugees - UNHCR, Director, Personnel and Administration - WFP, Director, Women and Youth Affairs - Commonwealth Secretariat. Of the 651 Canadians in professional jobs in the United Nations system, 177 (27 percent) are women.

101. In 1994, 32 percent of the Canadian International Development Agency's overseas employees were women. Of these: 3 percent occupied positions in management; 94 percent in administration; 3 percent in administration support.

### **Article 10: Education**

#### **(a) Access to studies**

102. Through the Department of Indian Affairs and Northern Development (DIAND), the federal government funds elementary and secondary education of on-reserve status Indian children and Inuit children. DIAND also provides funding for status Indian and Inuit people who want to pursue full-time or part-time post-secondary studies. Financial support for tuition, travel and living expenses is available. In June 1994, a \$20 million increase for the Indian and Inuit Post-Secondary Student Support Program was announced, bringing the 1994-95 total funding to \$247.3 million. Since 1990, just under 22,000 students have used this program annually, two thirds of whom are women.



### (c) Elimination of stereotypes

103. One of the most significant developments in higher education in recent decades has been the increased participation of women who, in 1993, represented 52 percent of full-time students and 62 percent of part-time students. Women accounted for 54 percent of full-time undergraduate students, 46 percent of master's and 35 percent of doctoral students. The proportion of women in 1993 was even higher among part-time students, 63 percent of undergraduates, 43 percent of master's and 42 percent of doctoral students. Women made up 54 percent of those studying full-time at the college level and 63 percent of those studying part-time. Despite the fact that women are now outnumbering men in both university and community colleges, only 15.8 percent of graduates in engineering or applied science in 1992-1993 were women.

104. Federal, provincial and territorial Status of Women ministers met with ministers of Education in February 1989 to discuss measures to improve access to education, and again in September 1991, when agreement was reached on strategies to encourage the greater participation of girls and women in mathematics, science and technology.

105. In 1991, a paper prepared for ministers of Education, *Educating Girls and Women for the 21st Century: Its Significance to Canada's Economy*, was endorsed by federal, provincial and territorial Status of Women ministers and Education ministers and released for public distribution.

106. At their 1992 annual meeting, ministers responsible for the Status of Women established a Working Group of Status of Women Officials on Gender Equity in Education and Training. Among other tasks, the Working Group was asked to examine socialization and self-esteem and the impact these factors have on the education and training of girls and women. A paper, *Gender Socialization; New Ways, New World*, was officially released at the June 1993 Conference of Ministers Responsible for the Status of Women. This paper has had wide national distribution, including non-governmental organizations, libraries, the educational sector and members of Parliament.

107. At the June 1993 Conference of Ministers Responsible for the Status of Women, it was agreed that the federal-provincial-territorial Working Group of Status of Women Officials on Gender Equity in Education and Training, with the possible collaboration of labour market colleagues, would undertake the formulation of generic principles for use in the elaboration of bridging and skill development programs for women. As a result, a study of women's training needs and practices was made available to the public in December 1994. Two reports entitled *Rethinking Training: Meeting Women's Training Needs* and *Meeting Women's Training Needs: Case Studies* were produced.

108. In 1991, Industry Canada produced a motivational and instructional video *Rap-O-Matics: Catch the Beat of Science and Math*, for students age 11 to 15, to encourage young people, particularly girls, to keep up their maths and science courses throughout high school.

109. In 1991, the Canadian Teachers Federation released a report, *A Cappella*, a study of more than 1,000 adolescent females which revealed that young women are facing significant barriers to their academic career and life aspirations because of their gender.

110. In 1992, the Economic Council of Canada released its report, *A Lot to Learn: Education and Training in Canada*. The report looks at women in positions of authority within the Canadian education system, among other areas.

111. In March 1993, the Report of the National Advisory Board on Science and Technology was released, *Winning with Women in Trades, Technology, Science and Engineering*.

112. The Canadian Committee on Women in Engineering was created with federal support, in February 1990, to examine the environment for and participation of women in engineering in Canada. Its report, *More Than Just Numbers*, was released in April 1992. It made 29 recommendations, ranging from changing attitudes of educators, employers and the engineering profession, to addressing gender equity issues through training programs. The implementation of these recommendations by both the private sector and the government is being monitored by Industry Canada.

113. The Canadian Teachers' Federation released a report in 1992, *The Better Idea Book: A Resource Book on Gender, Culture, Science and Schools*. The report revisits the economic imperative of encouraging girls to continue with studies in math and science.

#### **(d) The same opportunities for scholarships and grants**

114. In October 1990, His Excellency the Governor General of Canada announced that, effective in 1991, the Governor General's scholarships in Environmental Engineering, each valued at \$1000, would be awarded to 25 Canada scholars entering their final undergraduate year in engineering. The terms for receiving the Scholarships provide that 50 percent of the first-year scholarships are awarded to women.

115. The Canada Scholarships Program of Industry Canada was launched in 1988 for five years and was then extended to 1995-96. It is designed to recognize and encourage outstanding students to pursue undergraduate and college studies in natural sciences, engineering, technology and related disciplines. The scholarships are divided equally between men and women.

### **Article 11: Employment**

#### **Article 11.1 : Measures to eliminate discrimination in the field of employment**

116. In April 1993, the federal government proclaimed into force amendments to the unemployment insurance (UI) legislation. The amendments eliminate UI benefits for individuals who quit their jobs without just cause. "Just cause" is defined in the Act as having no reasonable alternative to quitting a job and includes sexual harassment or other forms of discrimination as circumstances that may constitute just cause.

117. In June 1994, a policy that extended the benefit of the doubt to a person applying for unemployment insurance who claims harassment as the reason for quitting a job was made law. This gives individuals greater assurance that they will be able to receive unemployment insurance if they are forced to leave their job due to sexual or other harassment.



118. To support the implementation of the law, Status of Women Canada worked with Unemployment Insurance officials of Human Resources Development Canada to design an awareness video training package on sexual harassment and racial discrimination for all UI employees.

119. The Women's Bureau at Human Resources Development Canada has prepared a compendium with various business and union leaders on what they are doing to combat sexual harassment. The publication *From Awareness to Action, Strategies to Stop Sexual Harassment in the Workplace* was released in February 1994.

#### **Article 11.1(b): Same employment opportunities**

120. The Department of Canadian Heritage has been active in funding several projects that deal with the barriers that exist for foreign-trained professionals in Canada, including immigrant women. Initiatives include a major analysis of national census data on the correlation between education obtained abroad and income and occupational attainment of immigrants in Canada, information sessions, survey research, advocacy and pilot projects that promote credential recognition for foreign-trained women.

#### **Article 11.1(c): Free choice of profession**

121. The Canadian government recognizes the importance of better understanding the needs of women-owned businesses, to help them start up, grow, become more profitable and contribute to long-term job creation. Several studies of women entrepreneurs and their businesses have been undertaken with federal government funding to assist in the development of programs and policies that respond to the needs of women who own and operate businesses. The federal government is a sponsor of the Canadian Woman Entrepreneur of the Year Awards, which were presented for the first time in November 1992.

122. Women now represent about 25 percent of business owners in Canada. In recent years, women have been starting their own businesses at three times the rate of men and succeeding more often, at a time when small business is credited with creating most of the new jobs in Canada in the past decade. The Federal Business Development Bank (FBDB), a Crown corporation, published in 1992 a resource guide on women-owned businesses in Canada (1975-1991) entitled *Women in Business: A Collective Profile*. In this guide, the FBDB has gathered together research from a range of national, regional and provincial surveys on women entrepreneurs and has organized the information by theme for easy reference. In 1992, the FBDB launched its *Step-Up* program which was designed to provide specific training and support for women business owners to further develop or expand their business.

123. Those Canadians most in need of training and work experience are the focus of the Employment Program and Service Framework, created in July 1991 to refocus the Canadian Jobs Strategy. The structure of services was changed to emphasize different "clients" such as workers, employers and communities; components of each of these areas assist Aboriginal, disabled and visible minority women.



124. One of the major initiatives under the Employment Program and Service Framework is the Self-Sufficiency Project, a \$50-million research initiative to facilitate long-term economic self-sufficiency through employment for lone parents on social assistance, the majority of whom are women.

#### **Article 11.1(d): Equal pay for work of equal value**

125. The Canadian Human Rights Commission continues to promote respect for the equal pay provisions of the *Canadian Human Rights Act* and to investigate complaints made under these provisions. The Commission reports that up to 1994, it has resolved about 110 complaints. Total compensation payments in the range of 100 million dollars have been made to the complainants by their employers or former employers as a result of these complaints. At the end of 1994, 45 complaints were under investigation or before tribunals. While acknowledging that the complaint procedure has had some commendable results in individual cases, the Commission considers that it is slow, laborious, confrontational and limited in its overall effectiveness. The Commission has expressed the view that the *Canadian Human Rights Act* should be amended to require the employers take the initiative in eliminating sex-based inequities from their compensation systems. The Government of Canada is examining the recommendations of the Commission, taking into account the progress that has been made in implementing pay equity at the federal level.

126. The Labour Program of Human Resources Development Canada (formerly Labour Canada) continues its proactive program to ensure pay equity in the federally-regulated establishments. As at the end of 1994, officials of the Department had visited some 1250 employers under federal jurisdiction, which employ a significant number of the total number of employees covered by the federal equal pay legislation, to offer advice and counselling and to monitor progress toward implementation. While the legislation does not require employers to report the amounts of pay equity adjustments, some 47 employers voluntarily reported 38.9 million dollars in adjustment payments as at April 1995. All cases referred to the Canadian Human Rights Commission for investigation were resolved.

127. In 1991, the Department launched a major review of pay equity compliance within federally-regulated employers. The review was based on a 10 percent sample of the employers being monitored by the Department. Eighty-eight percent of the employers surveyed reported that the implementation process was complete or at various stages of completion. The results of this review have been described in the 1993 report to the International Labour Organization on the Equal Remuneration Convention. In 1994, the Department introduced a pay equity audit process to verify the actions of employers who report having completed their implementation and to work with those employers to resolve any identified gender-based pay inequities.

128. With respect to the public service, the Treasury Board continues to implement equal pay for work of equal value between women and men. Over the years, substantial progress has been made with significant amounts of money spent on pay equity adjustments. Moreover, a major settlement has been reached recently with the Professional Institute of the Public Service of Canada. The terms of this settlement will be implemented after being approved by the Human Rights Tribunal. However, the complaints filed by the Public Service Alliance of Canada are still pending before the Human Rights Tribunal and a

decision is not expected until the end of 1996. A number of individual and collective equal pay complaints are currently before the Canadian Human Rights Commission and the Treasury Board is co-operating in their investigation.

#### **Article 11.1(e): Pension and social security benefits**

129. Income tax amendments related to retirement savings were implemented in 1991. The changes include provisions to facilitate pension sharing and amendment of the definition of spouse which, among other things, now permits the provision of survivor benefits to a common-law spouse.

130. The *Act to amend certain Acts in relation to pensions and to enact the Special Retirement Arrangements Act and the Pension Benefits Division Act* received Royal Assent in September 1992. Some of the changes for public service employees which particularly affect women include an increase in the basic supplementary death benefit (effective October 1992), survivor benefits payments to a spouse who marries a plan member after the member's retirement from the public service (effective February 1994), pension coverage for part-time employees (effective November 1993), and the division of pension benefits in the event of termination of marriage or common law relationships (effective September 1994).

#### **Article 11.1(f): Occupational health and safety**

131. In 1991, the Women's Bureau at Human Resources Development Canada published *Occupational Safety and Health Concerns of Canadian Women: A Background Paper*. This paper examines the possible health and safety issues associated with those occupations with a large number of women, so-called "traditional" female jobs, and also examines selected health and safety concerns associated with non-traditional, blue-collar jobs.

132. Health Canada sponsored a national Research Roundtable on Gender and Workplace Health in 1992, at which concepts and strategies for improving the health and safety of women at work were discussed. The agenda addressed a wide range of topics, including work hazards, the effect of cultural attitudes on work, substance abuse and HIV/AIDS as occupational health threats to women workers, the interaction of women's multiple roles on women's health, and the effects of workplace stress and the special needs of vulnerable groups of working women. Roundtable proceedings were published.

133. The Report of the Royal Commission on New Reproductive Technologies, *Proceed with Care* (described in Article 12.1), includes recommendations pertaining to occupational safety and health.

#### **Article 11.2(c): Child care**

134. In 1994, the federal government contributed approximately \$680 million annually to the cost of child care services for parents, through a mix of cost sharing, transfers and tax measures.



- The federal government cost shares subsidized regulated child care spaces with the provinces under the *Canada Assistance Plan* at a cost of \$275 million in 1992-1993. In 1993, there were 362,818 regulated child care spaces in Canada.
- The federal government provides tax assistance to parents using child care services through the Child Care Expense Deduction, which was increased in 1992 to \$5,000 for children seven and under and those with special needs, and to \$3,000 for older children up to age 15, at an estimated cost of \$300 million annually.
- The federal government provided approximately \$93 million in dependent care allowances to parents under federal training programs in 1993-1994.
- Under the Child Care Initiatives Fund, a time-limited program aimed at enhancing the quality of and encouraging innovation in child care services, the federal government spent \$11 million in 1993-1994 on research, development and demonstration initiatives undertaken by community groups and learning institutions in order to improve Canadian child care research, information and support structures for parents and caregivers, as well as to test alternative models of service in child care delivery. Twenty percent of the fund has gone towards Aboriginal child care projects on and off reserves.

135. Canada's third report (Article 11.2) describes changes to Canada's system of maternity and parental leave and benefits. The *Canada Labour Code* now provides employees under federal jurisdiction with similar flexibility as the *Unemployment Insurance Act* in the timing of parental leave.

136. The report *Balancing Work and Family Responsibilities: Current Canadian Practices* was prepared by the Women in Employment Committee of the federal, provincial and territorial departments responsible for Labour, and was released in February 1995. The report is an important source of information about innovative employer practices.

#### **Article 11.2(d): Measures during pregnancy**

137. As a result of the adoption of an *Act to amend the Canada Labour Code and the Public Service Staff Relations Act*, which received Royal Assent on June 23, 1993, the *Canada Labour Code* now requires that employers under federal jurisdiction make reasonable attempts to modify a job or arrange reassignment for pregnant employees when their health needs so require. If other suitable work arrangements are not possible, the employee may be entitled to claim regular unemployment insurance benefits rather than being required to use up limited maternity-related benefits.

#### **Article 12: Health care**

##### **Article 12.1: Access to health care services**

138. In August 1993, the federal Minister of Health announced the creation of a Women's Health Bureau within Health Canada. The role of the Bureau is to ensure that women's health concerns receive the necessary attention and emphasis in Health Canada, to promote



an understanding of gender as a critical variable in health, and to analyze and assess the impact of policies, programs and practices in the health system on women and women's health.

139. Health Canada has developed a second five-year plan of action which sets out women's health policies and program direction through 1990-1995. The Women's Health Bureau will co-ordinate the development of a national health strategy to address various aspects of women's health, including the establishment of Centres of Excellence for Women's Health.

140. After wide consultations, the Report of the Royal Commission on New Reproductive Technologies, entitled *Proceed with Care*, was completed and released in November 1993. The major recommendations of the Royal Commission were: to create a national reproductive technologies commission to licence, regulate, and monitor technologies; to prohibit certain technologies; and to advance strategies for the prevention of infertility. The Commission recommended the criminal prohibition of certain practices including the sale of human eggs, sperm, embryos, fetuses, and fetal tissues and the advertising of and payment for contract motherhood. It recommended the banning of sex selection clinics. The Government of Canada is developing a response to the Royal Commission's Report.

141. In 1992, the Government of Canada provided \$25 million over five years to *inter alia* establish the Breast Cancer Research Initiative and Challenge Fund, and to develop five regional breast cancer information exchange pilot projects. A National Forum was held in 1993 which brought together health professionals, educators and breast cancer survivors. An advisory board selected from these groups was created to choose the pilot projects and sit on the management committee which will give broad direction on the allocation of research funds.

142. The federal Family Violence Initiative (1991-95) funds many activities with a significant women's health component. A discussion paper, *The Health Care Sector's Response to Woman Abuse*, was published through this Initiative in 1993 to examine the health sector's treatment of women who have been abused in intimate relationships. The study acknowledges that violence against women is a newly emerging concern in the health care sector. It also stressed that integration of government and community responses is necessary to develop a range of primary prevention activities and compassionate treatment programs.

143. As part of Canada's Drug Strategy, in October 1993 Health Canada sponsored a Roundtable on Women and Substance Use, Misuse and Abuse, and in February 1994 a National Workshop for Action on Women and Substance Abuse. The meetings brought together experts from across Canada to identify key issues for women of all ages, and strategies for action. The conference proceedings will be published in 1995.

144. An initiative on women and smoking was announced by the government in July 1993. As one of several initiatives aimed at reducing tobacco use by Canadians, it includes efforts to ensure that eliminating women's use of tobacco becomes a higher priority for the federal government. The Women and Tobacco Working Group was established in 1993 as a sub-group of the federal government's Tobacco Demand Reduction Strategy Steering Committee. An information network on women and tobacco plans to co-ordinate activities and policy

development as well as create links with international efforts. Research documents include: *A Situational Analysis of Adolescent Women's Substance Use* and *Pre and Postnatal Smoking: A Review of the Literature*.

145. In July 1993, the Federal-Provincial-Territorial Working Group on Women's Health released a report entitled *Working Together for Women's Mental Health*, which is meant to provide a framework for the development of policies and programs for women. This Report is a companion piece to their 1990 document *Working Together for Women's Health* (see Third Report, paragraph 221).

146. The Department of Canadian Heritage and Status of Women Canada work at addressing issues of health care, social services, and mental health as these affect immigrant women, women of ethnocultural communities, and visible minority women, and especially those women who speak neither official language. These issues include the accessibility of services, and whether or not these women's needs are being addressed in a culturally and linguistically appropriate manner by the agencies and professionals they turn to for assistance.

#### **Article 12.2: Appropriate services in connection with pregnancy, confinement and the post-natal period**

147. The Brighter Futures Initiative, introduced by the government in 1992, includes the Child Development Initiative, a series of long-term programs designed to address conditions of risk during the earliest years of a child's life. It is implemented to reduce conditions of risk in which many children, particularly young children, find themselves, through measures aimed at prevention, promotion, protection and partnership through community action.

148. The new Canada Prenatal Nutrition Program is another important step in supporting women's health. The Program, announced in the February 1994 Budget, is targeted to low income pregnant women and will set up or expand already existing prenatal programs across Canada.

#### **Article 13: Economic and social life**

149. Women in Canada, as in other countries, carry out a disproportionate burden of unpaid work. To this end, the first Canadian-organized International Conference on the Measurement and Valuation of Unpaid Work was held in Ottawa in April 1993. Sponsored by Statistics Canada and Status of Women Canada, the conference brought together statisticians from around the world and representatives of Canadian women's groups to discuss the valuation, recognition and measurement of unpaid work such as household management, volunteer work and care-giving. Canada is testing the viability of including questions on unpaid work in the 1996 Census.

150. Statistics Canada has for many years generated, in association with its System of National Accounts, estimates of the value of non-market activities performed in the home. Estimates on the value of household work, *The Value of Household Work in Canada* (Third and Fourth Reports), were published in 1992 and 1994. Statistics Canada also carries out



General Social Surveys which provide the richest source of data on unpaid work. The latest publication based on findings was published in 1993.

151. Issues of economic equality have not been the subject matter of neo-classical economics; however, feminist economics is gaining grounds within the Canadian academia. In November 1993, Status of Women Canada co-sponsored an Economic Equality Workshop with the British Columbia Ministry of Women's Equality and other provincial and territorial women's directorates. The workshop, held in Ottawa, brought together academics, researchers, and policy makers to advance the collective knowledge of economic equality issues and their impact on women. Proceedings and papers are available from Status of Women Canada.

#### **Article 13(a): The right to family benefits**

152. The February 1992 budget included a new Child Tax Benefit which replaced the family allowance, the child tax credit and the refundable child tax credit with an enriched tax-free monthly payment targeted towards low-and middle-income families. Since January 1993, the federal Child Tax Benefit provides monthly assistance on behalf of children under 18 in families with low to middle incomes. Children's special allowances are allocated to child welfare agencies, government departments and to foster parents on behalf of children under age 18 who are in their care.

#### **Article 13(b): The right to bank loans, mortgages and other forms of financial credit**

153. The February 1994 Budget announced measures which will assist small business owners. Since women represent 30 percent of entrepreneurs in Canada, initiatives to help small businesses will benefit women. One of the biggest hindrances to women in small businesses has been access to financing. The Government stated that it would be vigilant in ensuring that women's concerns are heard at the joint Industry-Finance task force that has been set up to develop a code of conduct for small business lending.

#### **Article 13(c): The right to participate in recreational activities, sports and all aspects of cultural life**

##### **(i) Sport**

154. In 1991, Sport Canada published a second edition of *Women, Sport and Physical Activity: Research and Bibliography*, which provides a feminist critique of research on women in sport and physical activity, and serves as a guide to issues affecting women's participation in the field. A further edition, focusing on selected research themes, has since been developed for publication in 1994.

155. In response to recommendations of the Minister's Task Force on Federal Sport Policy, the Government of Canada, in 1993, announced its continuing commitment to encourage the involvement of girls and women as participants and leaders in sport. It also undertook to pursue activities to correct the current gender imbalance across all aspects of sport.



156. Through the Women's Program of Sport Canada, support is provided to organizations and projects which aim to increase opportunities for women in sport. For example, funds are provided annually to the Canadian Association for the Advancement of Women in Sport and Physical Activity (CAAWS) for its advocacy and educational work related to gender equity issues. In 1993, collaborative work resulted in the production of *Towards Gender Equity for Women in Sport: A Handbook for National Sport Organizations*, as well as an issue paper entitled *Self Esteem, Sport and Physical Activity*. The latter recommends strategies for organizations, coaches, teachers, parents and other leaders, to improve self-esteem in adolescent women. Sport Canada and CAAWS have also been working in partnership with other organizations to develop a sexual harassment policy for the national sport community.

157. Support is also provided to a range of leadership and career development initiatives for women in coaching, including a special Commonwealth Games apprenticeship program for 1993-94, which has served as a developmental opportunity for women to participate in high performance coaching and culminated with the 1994 Canada-hosted Commonwealth Games. As part of its commitment to gender equity, the Commonwealth Games Association of Canada approved a set of wide ranging objectives in 1993 to expand competitive and leadership opportunities for women as well as advocate on behalf of gender equity issues at an international level.

(ii) Cultural life

158. In 1990, the National Film Board (NFB) developed New Initiatives in Film to provide filmmaking opportunities for women of colour and women of the First Nations. In 1991, the NFB established Studio One, which has a mandate to provide Native people the opportunity to produce and direct films.

159. The NFB's women studios, Studio D and Regards de femmes, produced several films for, by and about women on issues such as reproductive technologies, disabled women, the history of Native women, violence against women, women artists, and women entrepreneurs.

160. The NFB also co-ordinates the Federal Women's Film Program which focused its efforts and energies on creating films examining the following themes: women and work, the challenges faced by rural and farm women and the situation of elderly women. Sixteen films in each official language were produced.

161. In 1992, October was designated by the federal government as Women's History Month as a way of publicly recognizing the significant, but often overlooked, contributions of women to Canadian society. The events and activities organized by various women and community groups, schools and businesses drew widespread media attention and fostered an appreciation of the past and present contributions of women in Canada.

162. To redress the lack of adequate recognition of women's contribution to Canadian History, the National Historic Sites Directorate of Parks Canada has begun to consult with Canadian women as to how to improve the representation of their histories in Parks Canada's system of national historic sites. In 1992 and 1994, two national workshops on the History of Women in Canada were convened to aid in this process. National Historic Sites is now

developing proposals to guide Parks Canada in addressing this initiative over the next 10 years and more.

163. In 1993, the Department of Canadian Heritage partnered with Canadian Women in Radio and Television to launch the Jeanne Sauvé Awards for Women in Communications. The Awards were established by the Department in recognition of the entry, development and advancement of women in the electronic media and allied fields, including cable, telecommunications and film. The Awards also contribute to the industry's efforts to promote employment equity for women.

164. In recent years, Canada Post has issued, for International Women's Day, stamps commemorating Canadian women of distinction. In 1994, Canada's first woman Governor General was commemorated on a stamp. In 1993, a set of four stamps were issued to mark the centennials of the establishment of the National Council of Women of Canada (NCWC) and the founding of the National Office of the YWCA. This set also coincided with the 50th anniversary of the first federally appointed woman judge of Canada.

#### **Article 14: Rural women**

##### **Article 14.1: Economic equity for rural women**

165. The federal, provincial and territorial ministers of Agriculture, at their July 1994 annual meeting, addressed farm women's issues for the first time in this primary policy making forum. Ministers agreed to a number of specific measures which will provide added focus to government activities in support of the advancement of farm women, including a review of federal and provincial programs from an equity perspective. The Record of Decisions released at the meeting includes four statements recognizing the importance of farm women to the agricultural sector.

166. The 1991 Census of Agriculture was the first in history to gather information on up to three operators per farm in Canada. This change provided a more comprehensive profile of the women involved in Canadian agriculture. The data available range from age, marital status and education, to occupation and income information, as well as farm characteristics. As a result, the 1991 Census indicated that an additional 89,705 women were "multiple operators", in combination with one or more other persons, most often men. Together, individual and multiple women operators accounted for one-quarter of all farm operators.

167. The Farm Women's Bureau of the Department of Agriculture and Agri-Food is also sponsoring the development of a statistical profile of farm women's economic equality within farm business enterprises. The intention is to determine the impact of farm women's employment status, as partner/joint shareholders, paid employee of spouse or unpaid family labour, on their economic security. The profile will also seek to determine what direct economic returns (wages, profits, asset accumulation), if any, farm women receive in their own right, rather than under the rubric of "farm family income".



### **Article 14.2: Rural development**

168. In 1993, Human Resources Development Canada put into place an Industrial Adjustment Services committee to address the training needs of farm women. The committee undertook a number of different research activities, including a national consultation, and is now considering various means of implementing the findings of its report.

169. A number of the projects sponsored under the federal government's Family Violence Initiative (1991-1995) address the particular needs of vulnerable groups, including women from rural and remote communities. For example, through the Initiative, the Canadian Farm Women's Network was sponsored to produce a video and study guide designed to engage audiences in a dialogue on rural wife abuse. Also with assistance from the Initiative, the YWCA of Canada, as part of its major three-year project to promote public awareness of violence against women, developed the resource — *There's No Excuse for Abuse: Rural and Remote Kit*, which is intended to help women in abusive relationships understand their situations and to work through choices, as well as enhance general understanding of the issue.

### **Article 15.1: Equality with men before the law**

170. In 1990, the federal, provincial and territorial ministers of Justice/Attorneys General established a Working Group on Gender Equality in the Canadian Justice System. To facilitate the research of the working group, a National Symposium on Women, Law and the Administration of Justice was sponsored by the federal Department of Justice in June 1991. The Department's response to the Symposium's recommendations, released in September 1993, included a Departmental Action Plan on Gender Equality designed to promote gender equality in the Canadian justice system.

171. The Federal-Provincial-Territorial Working Group on Gender Equality in the Canadian Justice System released its report in July 1993. The report includes a series of proposals for action by federal and provincial Attorneys General to eliminate gender discrimination in the justice system, including changes to appointment and discipline procedures for judges, and increased provision of civil legal aid services to women.

172. Additional work on the issue of gender equality in the legal system was sponsored by the Canadian Bar Association in its report entitled *Touchstones for Change*. The report, published in August 1993, makes various recommendations to assist women working in the legal profession and to ensure that judges treat all women in a fair and impartial manner. In response to the report, the Department of Justice established a task force on gender equality in the legal profession.

### **Article 16: Women and the family**

173. The Third Report of Canada describes the Family Violence Initiative launched in 1988. In February 1991, the federal government announced the extension of its Family Violence Initiative and allocated \$136 million over four years to seven federal government



departments. The Initiative, which addresses violence against women, child abuse and abuse of seniors, has focused on the following program objectives:

- increase public awareness and prevention efforts;
- strengthen the federal legal framework;
- provide services to Aboriginal people on reserves and Inuit communities;
- strengthen intervention and treatment services;
- increase the availability of emergency shelters and second-stage housing for victims;
- enhance national co-ordination and information exchange;
- establish a solid information base on the extent of family violence.

174. Throughout the Family Violence Initiative, special consideration is to be given to disabled, immigrant, visible minority, rural, Aboriginal and senior women. Across the Family Violence Initiative, approximately 2,000 projects have been funded to date, many in partnership with provincial governments or non-governmental organizations, to improve safety, treatment and follow-up for abused women.

175. Major components of the federal Family Violence Initiative included:

- funding of \$36 million to First Nations and Inuit communities to address the problem of spousal abuse and other forms of family violence;
- funding to provide emergency and second-stage shelter units in both urban and rural locations. Canada Mortgage and Housing Corporation assumes the responsibility for the delivery of Project Haven and the Next Step Program;
- the 1991-1992 and 1992-1993 Transition Home Surveys;
- the national survey on violence against women conducted by Statistics Canada, the result of which were released in November 1993; this survey was the first of its kind to provide reliable national estimates of the nature and extent of violence against women, and of women's fear of victimization;
- the establishment of a network of five centres of excellence on Family Violence and Violence Against Women;
- the launching of a large-scale national public education program on violence against women through the YWCAs across Canada;
- awareness-building sessions for the National Parole Board.

176. In June 1994, the federal, provincial and territorial Ministers responsible for the Status of Women endorsed the *Regina Declaration on the Rights of Women Subjected to Violence*. The Declaration calls for a recognition that women subjected to violence have the right to equal protection and equal benefit under the law. This includes the right to life, liberty and the security of person. It also affirms women's rights to have just, timely and effective remedies for the harm they have suffered.

177. The Royal Commission on Aboriginal Peoples is mandated to examine, among others, the issue of family violence. It will release its report in 1995.

178. The National Film Board's Federal Women's Film Program will be making a series of films in French and English (1994-1997) targeted to adolescents, families and schools, that examines the phenomenon of violence. The films will present positive ways of "fighting" societal violence, from a woman's perspective. Themes currently under consideration are psychological violence, drugs at school, the influence of the media, and an uncertain future. The National Film Board also operates a video loan service; many films on family violence are available across the country.

179. The National Film Board, in co-operation with a number of federal departments, also produced a documentary entitled *For Generations to Come*.

180. The Canada Committee for the International Year of the Family, composed of business, labour and government representatives, has planned and co-ordinated activities and events to celebrate, in 1994, the United Nations International Year of the Family across Canada. Also in 1994, the Conference Board of Canada organized three national conferences on various aspects of work and family. The Conference Board of Canada also released *The Work and Family Challenge: Issues and Options*. A number of reports have also been released including: Statistics Canada's *Basic Facts on Families in Canada, Past and Present* and *A Portrait of Families in Canada*, and the Canadian Advisory Council on the Status of Women's *110 Canadian Statistics on Work and Family*.

181. The study *The State of the Family in Canada*, released in December 1994, was undertaken by the Committee for the International Year of the Family, 1994. The document consists of a public research study on Canadians' attitudes and opinions about issues facing families in Canada today.

182. Statistics Canada issued *Dimensions of Job-Family Tension* in January 1995. It documents the characteristics of persons who are involved in family care that goes beyond the care of their own children.

183. On March 25, 1993, *An Act to amend the Divorce Act and the Family Orders and Agreements Enforcement Assistance Act* received Royal Assent. This Act is intended to simplify the procedures for obtaining child custody or a support order, or a variation of an existing order, for spouses who live in different provinces. The Act is also designed to improve access to data that may assist in the location of individuals who are alleged to have abducted a child.

184. The *Income Tax Act* requires the recipient of child support payments to include the support as income for tax purposes, and entitles the payer of support to deduct the amount of support payments from taxable income. In May 1994, the Federal Court of Appeal ruled that the requirement that the recipient parent pay income tax on child support payment is unconstitutional under the *Canadian Charter of Human Rights and Freedoms*. On May 18, 1994, the Canadian government announced that it would appeal this decision to the Supreme Court of Canada. It also established a task group of three government members of Parliament to consult with Canadians and advise the government concerning the appropriate tax treatment of child support.

185. The Family Law Committee, a standing committee of federal, provincial and territorial officials, has been examining issues relating to child support since 1990. The Committee's report and recommendations were released in January 1995. The Report recommends the adoption of a formula to determine appropriate levels of child support, discusses options for the taxation of child support and outlines the direction for future measures to improve the enforcement of support payments.

186. A joint Federal-Provincial-Territorial Working Group of Human Resources Development Canada and Status of Women Canada officials drafted a paper, *Women and Men in the Workplace*, a discussion of workplace supports for workers with family responsibilities. The paper, publicly released in June 1993, is a concise discussion of the options available to ease the integration of work and family responsibilities. Live-in caregivers play an important role in the provision of child care. They also provide care for seniors or disabled persons in their homes.

187. Human Resources Development Canada initiatives on work and family responsibilities have included: publication of resource materials, co-sponsorship with Statistics Canada of a Symposium on Work and Family Arrangements (September 1993), a contribution program entitled Workplace Equity Fund, and a series of four regional seminars with senior representatives from labour and management. These representatives examined the development of strategies to meet the needs of employees with family responsibilities

188. In December 1993, Statistics Canada published a report entitled *Dual Earners: Who's Responsible for Housework?* This report concludes that, although housework is usually shared more equitably as women's education level and earning power grow, women perform the majority of housework especially as the number of children increases, regardless of their working status.



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### PART III: MEASURES ADOPTED BY THE GOVERNMENTS OF THE PROVINCES\*

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#### 1. NEWFOUNDLAND

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189. This submission will update to March 31, 1994 the information contained in Canada's earlier reports under the Convention.

#### Article 2

190. *The Human Rights Code* replaces *The Newfoundland Human Rights Code, 1988* and offers protection to women against: discrimination in admission to public places and services (s. 6), in the rental of dwelling units (s. 7), and in employment (s. 9); harassment on the basis of sex in the rental of dwelling units (s. 8), and in an establishment (s. 12); sexual solicitation by a person in a position to confer or deny a benefit or advancement where the person knows or ought reasonably to know that it is unwelcome (s. 13); and discrimination in pay where they are performing the same or similar work as men (s. 11). Discrimination on the basis of pregnancy is considered to be discrimination on the basis of sex. The following table demonstrates the extent of complaints related to sex as a prohibited ground.

1994	Total (new in 1994 and carried from 1993)
In the context of employment	135
Harassment in an establishment	10
Equal pay for same or similar work	4
Sexual solicitation	4

191. *The Human Rights Code* provides for referral of a complaint that cannot be settled to a Board of Inquiry. The Newfoundland Human Rights Commission is a party to the proceedings and will present the complaint before the Board. The complainant has an option to retain separate legal counsel at own expense.

192. *The Human Rights Code*, s. 19, authorizes the Human Rights Commission to approve special programs for women which are designed to prevent, reduce or eliminate disadvantages based on or related to their gender.

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\* Geographical order, from east to west.

### Article 3

193. Initiatives related to the right of women to live in a safe, violence-free environment include: (a) provision of funding for workshops around the province on wife abuse (1990); (b) provision of funding to allow the continued operation of four shelters across the province plus funding to open a new shelter in Gander in June 1991; (c) development of a Victim Witness Assistance Program (Victim Services Program) commenced in 1991-92. This includes the expansion of the Victim Services Program (December 1993) with six new victim services offices and regional co-ordinators across the province, targeted to start-up in February 1994. As well, two new initiatives were introduced: access to professional counselling services; and contributions to community-based groups for select local projects; (d) introduction of a policy for the Newfoundland and Labrador Housing Corporation giving priority to women who need housing because they are leaving an abusive situation (1991); (e) provision of education on sexual harassment including the conduct of a free seminar on sexual harassment in three locations and by teleconference (1992), the publishing of an information sheet on sexual harassment, and the publishing of a poster on sexual harassment (1993); (f) provision of workshops in six communities across the province for volunteer facilitators of groups for women survivors of violence (one in 1992-93; five in 1993-94); (g) publication by the Women's Policy Office of *Sharing Our Strengths*, a manual for volunteer facilitators of self-help groups working with women who are survivors of violence (January 1994); (h) appointment of an Interdepartmental Committee to Build a Provincial Strategy on Violence Against Women, Children and Elderly and Dependent Adults (December 1991) – consultation paper released in April 1993; consultations held in five regions across the province to get community input on consultation paper – report on the consultation process is now available; (i) development of Family Violence Referral Card for distribution. The Card sets out the fact that spousal abuse is a crime and contains information on peace bond, restraining orders and shelters.

194. With respect to education, we report the following initiatives: (a) Role Modelling Project – pilot project matched high school students and post-secondary students with women employed in non-traditional occupations (1990-91); (b) Student Aid changes which benefit single parents (1990-92) – grants increased from \$1250 to \$1600 per year; child care expense increased by \$100/month for those using other than registered day care; (c) funding provided for WISE Choices video and teacher's guide (video encouraging young women to enter scientific and technological occupations); (d) publication and distribution of *Expanding Choices: Math and Science Programs for Girls and Women – A National Listing* (1993), compiled by the Nova Scotia Women's Directorate; (e) establishment of the Liaison Committee on Gender Equity in Education (1993); (f) publication and distribution of *Gender Socialization: New Ways, New World* (1993); (g) the Women's Policy Office is now producing brochures on gender bias-free parenting which should be available for distribution by Fall 1994.

### Article 4

195. Special measures adopted to accelerate *de facto* equality between men and women include (a) examination of contract compliance as a possible means for government to work towards employment equity in the provincial public sector; (b) encouragement of school

boards to develop employment equity plans. The Women's Educational Services Consultant conducted workshops on employment equity for school boards throughout the province in 1990-91; (c) re-activation of the Employment Equity Council. The Council submitted its report to the President of Treasury Board in April 1993.

196. With respect to increased representation of women on boards, commissions and agencies, the Women's Policy Office reports that the figure for female participation on boards has risen to 34 percent in 1994, 38 percent for discretionary appointments.

197. The Department of Education has revamped the Employment Equity Policy for School Boards and will be requiring school boards to submit details of employment equity policies and programs and to provide annual progress reports.

### **Article 7**

198. The tables below provide some information on the percentage of females in decision making roles in municipalities, the legislature, the judiciary and the government as well as the number of female members on the school boards.

### **Article 10**

199. In May 1993, the Department of Education conducted a study on the attitudes of Newfoundland and Labrador youth on sexual coercion, gender stereotypes and homosexuality.

200. An action plan, *Blueprint for Skills Development: Planning for Diversity in Apprenticeship*, was prepared in the summer of 1992. As a preliminary measure, sensitization workshops were given around the province. The Labrador workshops addressed accessibility in rural areas.

201. Newfoundland was the lead province in co-ordinating a Jurisdictional Review of Equity in Apprenticeship in Canada; the final report, after consultation with the provinces, is nearing completion.

### **Article 11(1)(d)**

202. In 1991, the Government concluded pay equity studies for Newfoundland and Labrador Hydro and the Health Care Sector I (Support Classifications). To date, affected female dominated classifications have received four cumulative annual wage adjustments based on one percent of total annual payroll. As of March 20, 1995, these adjustments will increase to two percent and will remain at that level until pay equity is achieved.

203. Pay equity studies are currently underway for other female dominated groups in health care (nurses and allied health professionals) and general government (including Crown Corporations and post-secondary educational institutions). The first pay equity adjustments for these groups are expected to be made mid-way through the 1995-96 fiscal year. Pay equity wage adjustments for these groups will be calculated on the basis of one percent of total payroll.



### Article 11(1)(e)

204. Since 1991, the Government has increased its pension benefits for survivors from 55 percent to 60 percent thereby enhancing payments to the non-member spouse, the majority of whom are women. The Government has also implemented the ability to split pension credits on marriage breakdown, thereby allowing immediate lump sum payments to registered retirement savings plans rather than having to wait until actual pension payments have begun.

### Article 11(2)

205. Highlights of strategies to assist workers to integrate work and family responsibilities include (a) the development of guidelines to ensure that work and family responsibilities are considered in the development of any new or changing policies within government (1990); (b) the publication of *When Work and Family Collide: A Help Book for Employers* relating to work and family responsibilities (1990-91); (c) the publication of *Women and Men in the Workplace: A Discussion of Workplace Supports for Workers with Family Responsibilities* (1993).

206. Since the time of the last report, the legislated minimum level of benefits pursuant to the *Labour Standards Act*, R.S.N. 1990, c. L-2, to which a worker is entitled have been enhanced. For most employees, the contract of service or collective agreement will provide more favourable terms or conditions than the legislated minimum. A contract of service that confers rights or benefits less favourable than the legislated minimum benefits is void and of no effect and the legislated minimum benefits will apply to that worker.

207. The *Labour Standards Act*, section 41, provides for pregnancy leave for a period of 17 weeks for an employee who has been employed with the same employer for a period of 20 consecutive weeks. Section 43 allows for an adoption leave for a period of 17 weeks following the coming of a child into the care and custody of a parent for the first time. Pursuant to section 43.3, an employee who is the parent of a child is entitled to 12 weeks of leave without pay following the birth of a child or the coming of the child into the care and custody of the parent for the first time. Employees on pregnancy, adoption or parental leave would be entitled to apply for unemployment insurance benefits during their unpaid leave.

208. For the workers not entitled under their contract of service to paid bereavement leave and sick leave, the *Labour Standards Act*, section 43(10), provides to an employee, after 30 days of employment, three days bereavement leave, one day with pay, two without. Also, after 6 months of employment an employee is entitled to 5 days unpaid sick leave per year.

Female representation in decision-making roles							
Municipalities <sup>(1)</sup>		Legislature		Judiciary <sup>(2)</sup> Supreme Court		Government	
Mayors	Councillors	Federal	Provincial	Appeal	Trial	D.M.	ADM
13%	23%	35%	6%	11.1%	4.3%	16.7%	13.3%

1. Source: Department of Provincial and Municipal Affairs
2. Source: Office of the Commissioner for Federal Judicial Affairs

School board membership <sup>1</sup> by sex, as of January 31, 1993																
SD <sup>3</sup>	In accordance with election regulations										By appointment					
	Contested Election			Election by Acclamation			Appointed in lieu of election			Total	Other than in lieu of election <sup>2</sup>			Number of seats filled		
	M	F	T	M	F	T	M	F	T		M	F	T	M	F	T
Int. <sup>4</sup>	38	16	54	55	22	77	42	19	61	192	54	8	62	189	65	254
RC <sup>5</sup>	23	9	32	18	7	25	18	7	25	82	48	19	67	107	42	149
PA <sup>6</sup>	7	0	7	3	0	3	2	0	2	12	3	0	3	15	0	15
SDA <sup>7</sup>	0	0	0	0	1	1	2	0	2	3	2	3	5	4	4	8
Total	68	25	93	76	30	106	64	26	90	289	107	30	137	315	111	426

1. School board membership is in accordance with *The School Board Election Regulations, 1985*
2. Appointments by churches and school boards
3. School district
4. Integrated schools
5. Roman Catholic schools
6. Pentecostal Assemblies schools
7. Seventh-Day Adventists schools

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## 2. PRINCE EDWARD ISLAND

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### Legal and other measures adopted since the third report

209. In 1992, the Prince Edward Island Government passed the *Employment Standards Act*. This Act contains several provisions which address discrimination against women. The Act contains provisions for maternity leave up to 20 weeks, followed by a requirement for reinstatement upon expiration of the leave in the same or a similar position. It is also required that there be no loss of seniority or pension benefits as a result of maternity leave. Similar provisions apply to parental leave.

210. The *Employment Standards Act* requires employers to provide an employment environment free of sexual harassment. All employers must establish a policy with regards to sexual harassment in the workplace and to ensure that all employees within the workplace are aware of that policy. The Act specifies certain elements which must be contained in the sexual harassment policy.

211. In the third report of Canada, this province reported the passage of the *Pay Equity Act* in 1988. At that time, the differential between wages paid for male and female full-time employees of Prince Edward Island was the lowest of any province in Canada, with women making 70.3 percent of the wage of men. The steps required to implement pay equity in the public sector under the *Pay Equity Act* have been completed, although there are a number of wage adjustments still to be made over the next few years. Wages for full-time employed women now stand at 80.8 percent of that of males in Prince Edward Island and this increase is likely largely attributable to the pay equity process.

### Actual progress made to promote and ensure the elimination of discrimination against women

212. Prince Edward Island elected the first women Premier in Canada in 1993. The Premier is joined in the Legislature by a female Leader of the Opposition and has selected women as Speaker of the Legislature and Deputy Speaker. In addition, the Queen's Representative in this province, the Lieutenant Governor, during the period of this report, has been a woman. This is indicative of increased public participation by women in the affairs of this province and particularly at the very highest levels in our political structure.

213. Prince Edward Island has traditionally included in this report the participation rates for women in various positions in public life and what follows is an update of that table.



<b>WOMEN IN VARIOUS POSITIONS IN PUBLIC LIFE ON P.E.I. — 1994</b>			
	<b>Total number of positions</b>	<b>Total number of women in positions</b>	<b>Percentage of total</b>
Member of Legislature	32	8	25%
Provincial Cabinet Minister	9	1	11.1%
Provincial Deputy Minister	9	2	22.2%
Mayor/Chairperson of Municipal Council	89	13	14.6%
Member of Municipal Council (other than Chairperson)	479	107	22.3%
Chairperson of School Board	5	3	60.0%
Member of School Board (other than Chairperson)	67	22	32.8%
Supreme Court Justices*	8	1	12.5%
Provincial Court Judges*	3	0	0%
<b>TOTAL</b>	<b>701</b>	<b>157</b>	<b>22.4%</b>

\* In this report, we are adding the last two categories, although persons are appointed to these positions, rather than elected.

### Remaining obstacles

214. As has been previously reported, therapeutic abortions are not available at any health facility in Prince Edward Island. Although available to women with the costs covered by the Province of Prince Edward Island, such services must be obtained in another province.

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### 3. NOVA SCOTIA

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#### Article 2

215. The Nova Scotia *Human Rights Act*, R.S.N.S. 1989, c. 214, is the principal anti-discrimination law providing recourse for women who allege sex-based discrimination. The *Human Rights Act* underwent major revisions in 1991 which had the effect of providing additional protection to children and their families. Family status, defined as "being in a parent/child relationship" was added as a new characteristic under which discrimination was prohibited and the protection from discrimination on the basis of marital status was expanded to apply to all facets of public life. Pregnancy-based complaints are considered to be complaints of discrimination based on sex. The Act also prohibits sexual harassment and discrimination based upon an irrational fear of contracting an illness.

216. In 1993, 40 percent of complaints lodged under the Act were complaints of sex discrimination (which includes gender, sexual harassment and pregnancy-based complaints). This was an increase from 1985 (23 percent) and 1990 (35.5 percent). In addition, the majority of complaints lodged on the basis on marital status and family status were lodged by women.

217. Most complaints continue to be resolved through a conciliation process with settlements ranging from financial compensation, restoration of the job for which the person was terminated, redesigned hiring policies and practices to the development and delivery of anti-harassment policies and human rights awareness sessions.

218. Since 1990, 12 of the 30 complaints referred to a board of inquiry were complaints of sex discrimination.

#### Article 3

219. The Nova Scotia Advisory Council on the Status of Women was established in 1977 to monitor women's issues and to serve as a direct link between the minister responsible for the status of women and Nova Scotia women. The Advisory Council on the Status of Women, in partnership with the Dalhousie School of Public Administration and the New Brunswick Advisory Council on the Status of Women, has developed a Women and the Economy Project. The goals of the project are to improve the economic situation of women, to increase participation of women in economic initiatives and decision/policy making at the local level and, to create a knowledge base for women to bring their experiences and perspectives to economic activities.

220. The Advisory Council on the Status of Women has four fieldworkers available across the province to work with individual women and women's groups in an endeavour to improve the status of women both in urban and rural areas of the province.

221. The Nova Scotia Women's Directorate was established in 1989 to act as a resource to government on women's issues to ensure that they are taken into account in policy and program formulation.

222. The Nova Scotia Interdepartmental Committee on Women's Issues (CWI) was established in 1976 and is now an integral component of the Women's Directorate. The Committee's work is focused on improving the condition of women in the civil service. The Committee also provides advice to government on matters including, sexual harassment, workplace safety, affirmative action, pay equity, and bridging programs. Representatives from government departments are appointed to the CWI by their deputy minister.

223. The *Pay Equity Act*, R.S.N.S. 1989, c. 337, became law in 1988. All groups covered by the Act, except municipalities, have completed the pay equity process. Although civil service wage restraints are in place, the pay equity process has continued to be implemented as planned.

#### Article 4

224. The provincial government and the Nova Scotia Government Employees Union are working to improve affirmative action in the civil service. Building on a program which has been in place since 1978, the new policy focuses on the identification and removal of barriers to hiring and advancement and on organizational change. The workforce analysis survey, undertaken in 1993, will provide a baseline measure of the number of employees from targeted groups currently in the civil service. Departments and government agencies will use this data in formulating goals, timetables and action plans.

225. A policy was adopted in April 1993 to promote the hiring of affirmative action candidates in casual positions to permit them to gain experience and enhance their opportunities for permanent employment.

#### Article 5

226. The *Guidelines for Contemporary Communications* were released in 1992 by the government. They complement the government's policy that requires the fair portrayal of women and other equity groups in all of its written, oral and visual communications.

227. The government has, with the assistance of its departments, produced information brochures/documents such as *Take Affirmative Action*, *Dating Violence*, *What is Racial Harassment*, and *What is Sexual Harassment*.

228. The Race Relations Division of the Human Rights Commission is responsible for fostering good relations between races and cultures, and for developing policies and programs to promote racial harmony and eliminate barriers to full participation in society.



229. The Department of Education established an office for race relations and cross-cultural understanding in 1992 with consultants for multiculturalism, race relations, and Mi'kmaq education.

230. The provincial government's Race Relations and Employment Equity Task Force is training all civil servants.

### **Article 6**

231. The Working Group on Youth Exploited for the Sex Trade, established in October 1992, released its report in January 1993. The Province acted immediately on one of its recommendations by establishing the Department of Community Services as the lead department with respect to implementation of the recommendations. The Minister of Community Services confirmed his commitment to addressing the problems related to juvenile prostitution, including preventive education programs for parents, students and teachers to deal with child sexual abuse.

### **Article 7**

232. Representation of women in political life has seen some positive changes in some areas while other areas have remained basically unchanged. In the provincial legislature, the proportion of women increased from 5.7 percent in 1990 to 9.6 percent in 1994. There are two women out of a total of 17 ministers compared to none in 1990. Representation of female deputy ministers is now at 15 percent with a total of three women out of a total of the 20. With school board officials becoming fully elected by the population, and not partially appointed by government, women now make up 51 percent of school board members compared to 37.8 percent in 1990. Representation on municipal council has basically remained unchanged at 15.6 percent in 1994 and 15.5 percent in 1991. In the judiciary, there were four federally-appointed women judges on a total of 34 in 1994 compared to three out of 32 in 1990 and six provincially-appointed judges on a total of 44 in 1994 compared to four out of 45 in 1990.

### **Article 10**

233. The Nova Scotia Teachers' Union (NSTU) has developed a project that will build on the findings of the Canadian Teacher's Federation's report *A Cappella*. That report looked at how over 1000 teenage girls in Canada view themselves and the world they live in. The Women in Education Committee of the NSTU hopes to organize a conference in 1994 to encourage dialogue between female and male students, teachers, and administrators on issues such as the impact of schools on the development of self-esteem in women, how schools can bolster adolescent and women's self-esteem, confronting sexism and gender inequities and sample programs that enhance self-esteem.

234. Nova Scotia community colleges include pre-technology courses for women. There is a slight increase in the number of women entering apprenticeship programs in male-dominated fields. Seats in non-traditional areas of study such as electrical construction are being

reserved for women. In 1985, there were 1274 men and 1643 women enrolled in full-time programs in Nova Scotia community colleges. Seventy-two percent of the men were enrolled in engineering, applied science, natural science and primary industries while only four percent of the women were enrolled in these courses. In 1991, 63 percent of the 1027 men and 12 percent of the 1571 women were enrolled in these courses. Women were largely enrolled in health sciences, humanities and social services.

235. In 1992, the Women's Directorate produced and distributed *Expanding Choices – Math and Science Programs for Girls and Women*, a national inventory of science and math programs for girls and young women.

236. New public school courses have been developed in family studies and industrial arts technology and teachers are breaking down barriers to these programs which were traditionally viewed as appropriate for one gender only.

237. The Family Life/Family Studies program, taught in a co-educational setting, continues to be provided to students between the ages of 12-15. It has five components: Self, Feeling, Relationships, Career Planning and Human Growth and Development. It includes specific sections on stereotyping, prejudice and discrimination, sexual attitudes, exploitation, career and lifestyle exploration and family conflict.

238. A new course "Career and Life Management" is currently being piloted in schools. The course will be compulsory for all high school students between the ages of 16 and 18 in 1996.

239. The *Discipline Handbook for Nova Scotia Schools* was released by the Department of Education in December 1993. Written policies on discipline for school boards, schools and classrooms must be developed and implemented. Several school boards are using this handbook as a guide to assist in developing policies on sexual harassment and other forms of sexist and discriminatory behaviour.

240. The Department of Education is developing a handbook on programming for the gifted. Attention will focus on identifying minority and underrepresented groups within the gifted population and on meeting their needs.

241. The Maritime Provinces Education Foundation has completed a project in human rights for elementary teachers and classes. It includes an annotated bibliography, a teachers' manual, a video, and an in-service package for teachers.

242. The Department of Education has a fulltime Mi'kmaq education consultant to improve curriculum and related services.

## Article 11

243. In 1986, women comprised 42 percent of the provincial labour force, a percentage which increased to 45.4 percent in 1992.

244. The provincial government's sexual harassment policy and procedures came into effect in January 1994. The purpose of the policy is to create a working environment free of sexual harassment. An education program has been developed and by April 1994, 75 facilitators, 15 advisors and 12 investigators had received training, with 10,000 civil servants to follow by fall 1994.

245. Under the Nova Scotia *Labour Standards Code*, R.S.N.S. 1989, c. 246, women are entitled to 34 weeks of combined maternity and parental leave. New parental leave provisions also allow parents to take up to 17 weeks of unpaid leave of absence to care for their newborn or newly adopted child. If eligible, women may receive unemployment insurance benefits while on leave.

246. As of December 1989, female provincial civil servants who are eligible to receive maternity benefits under the federal *Unemployment Insurance Act* are now paid a supplementary allowance through the Supplementary Unemployment Benefits Plan while on maternity leave.

247. Since 1985, women have comprised over 40 percent of the graduating class of the law school in the province and comprise over 40 percent of all admittees to the Nova Scotia Bar. At present, women represent 23 percent of all practising insured members in Nova Scotia.

248. In 1980, there were 253 licensed day care centres in the province. In 1985, the number increased to 324 and in 1993 there were 374 licensed day care centres. The total budget for day care in 1992-93 was \$11.8 million. There are presently 10,668 licensed day care spaces in Nova Scotia, with 2,142 of them subsidized.

## Article 12

249. The Maternal and Child Health Care Program is the primary prevention program of the Nova Scotia Department of Health and Fitness. This program includes prenatal education in the homes and in clinics, post-natal and infant home visiting and health assessment and supervision throughout the province of Nova Scotia. Parents of all newborn children receive a pamphlet on proper nutrition care for young babies.

250. A new prenatal health promotion program was announced by the Department of Health in April 1993. The program includes eight modules which examine different perspectives of child rearing. Opportunities exist for parents to explore issues of gender socialization.

251. The Task Force on Nursing was appointed in 1990 to develop strategies and recommend action in the areas of human resource planning, nursing education, professional work-life issues, and the innovative use of nurses in the health care system. Its report and recommendations were released in July 1993.

252. A collaborative baccalaureate nursing program between the provincial capital nursing schools will open in 1995. The move was made in recognition that health care reform will



accelerate the need for registered nurses with more in-depth knowledge and clinical expertise in health promotion, disease prevention, and community-based care.

253. During the period 1983-1993, 12 women have been diagnosed with AIDS. Of these, 9 have died. From 1990 to 1993, the number of women who have been diagnosed as being HIV+ is 14.

254. The Nova Scotia Women and AIDS Project, sponsored by the Nova Scotia Persons with AIDS Coalition, undertook a twelve-month project to assess the needs of women who were concerned about the impact of HIV/AIDS on their lives and on those around them. The report was published in April 1994 and focused on identifying and documenting the needs of HIV positive women and women living with HIV/AIDS or who are caregivers of HIV+ persons and persons with AIDS. It identified the need for information and education about HIV/AIDS for women in Nova Scotia and also focused on identifying and bringing attention to the issues that face women infected and affected by HIV/AIDS and ensuring that all possible resources in the community are utilized to remove the existing barriers to prevention, diagnosis and treatment for women.

## Article 16

255. The *Children and Family Services Act*, 1990, c. 5, which came into force in September 1991, replaced the existing *Children's Services Act*. The new legislation provides clearer rules and states unambiguously that wherever possible family units are to remain together, assisted by a wide range of supports. It provides in several of its sections, a requirement that the best interest of the child be considered in decisions affecting children. Some of the following circumstances are listed in the Act as relevant to the best interest of the child: importance for the child's development of a positive relationship with a parent and a secure place as a member of a family; the importance of continuity in the child's care and the possible effect on the child of the disruption of that continuity; the bonding that exists between the child and the child's parent; the child's physical, mental and emotional level of development; the child's cultural, racial, religious and linguistic background; the child's views and wishes if they can be reasonably ascertained and the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.

256. The *Children and Family Services Act*, in situations where a child of Aboriginal origin is the subject of a proceeding with respect to protective intervention, allows for the Mi'kmaq Family and Children's Services of Nova Scotia, at any stage of the proceeding, to be substituted as a party for the agency that commenced the hearing. The Mi'kmaq Family and Children's Services has been established with full legislative authorities.

257. Through the Department of Community Services, many initiatives are in place to increase the independence of family benefits recipients. The Transition to Employment Program, an initiative to help job-ready parents on family benefits find jobs, opened an office in Halifax in July 1993. The office provides job search counselling and assistance such as

resume writing and employment leads. A \$1.9 million employment package announced in August 1993 will provide 300 jobs to job-ready social assistance recipients.

258. The Department of Community Services provides \$200/month to offset the additional costs to single parents while on vocational training. Course tuition in special circumstances, approved transportation costs, approved child care expenses, special needs and/or a job search allowance may be covered. Recipients in transition to full-time employment are entitled to have the gross wages earned during the first four weeks of employment exempted at 100 percent for family benefits purposes. The first four weeks of vocational training allowance earned are also exempted.

259. The *Family Benefits Act*, R.S. 1989, c. 158, has as its purpose the provision of assistance to persons or families in need where the cause of the need has become or is likely to be of a prolonged nature. Approximately 51 percent of the recipients of this assistance are adults with disabilities which will prevent them from being employed for at least one year and less than 1 percent are senior citizens. Single parents make up 42 percent of the recipients, parents with disabilities make up 6 percent and 1 percent are foster parents. In the fall of 1992, there were 12,279 female single parents and 279 single male recipients of family benefits (approximately 26,000 children). All applicants except foster parents must qualify on the basis of need – that is they must have insufficient income for their basic needs, based on figures set by the N.S. Department of Community Services. Family benefits is assistance of a last resort, that is, applicants must demonstrate that they are not eligible for any other form of support such as from a spouse, unemployment insurance, etc. Provincial family benefits cheques to single mothers increased by one percent in January 1994.

260. People who do not fall in one of the categories for family benefits can apply for municipal social assistance which assists people whose need is of a shorter term. The rates established for municipal assistance are lower than family benefits and vary from one municipality to the other.

261. The *Family Maintenance Act*, R.S.N.S. 1989, c. 160, provides for the payment of maintenance for dependent children and spouses where there is reasonable need for the assistance.

262. The Family Maintenance Income Support Program (1991) allows single parents on family benefits who receive irregular maintenance payments to assign the payments to the Province and receive the full amount of their benefits.

263. The *Family Orders Information Release Act*, R.S.N.S. 1989, c. 161, provides for the enforcement of court orders respecting children and support obligations by providing for the release of information which may assist in locating children, defaulting spouses or other persons.

264. The *Maintenance Orders Enforcement Act*, R.S.N.S. 1989, c. 268, provides for the reciprocal enforcement of maintenance where the respondent is not complying with an order of the court to provide maintenance for a child.



265. The Victims' Services Division of the Department of Justice was established in 1989 to provide services to victims of sexual assault, child abuse and domestic violence, with a particular focus on women. There are five Victims' Services offices across the province serving both urban and rural Nova Scotians. The "Victim Services Program Funding" provides funding to community based organizations to benefit victims of family violence, sexual assault, and child abuse. The program has been in place for three years, with 36 projects totalling over \$1.2 million being funded. The Fund is financed through a surcharge of fines for prosecutions under the *Criminal Code* and other provincial statutes. The *Victims' Rights and Services Act*, S.N.S. 1989, c. 14, as amended S.N.S. 1992, c. 36, now incorporates the *Compensation for Victims of Crime Act*, R.S.N.S. 1989, c. 83, which was repealed in 1989. Regulations made under this Act in 1994 provide for compensation for services such as counselling, loss of income, moving expenses and costs for maintenance of a child.

266. The Victim's Services Division also operates a Child Victim Support three year pilot program to prepare child victims of crime for the experience of appearing and testifying in court. The purpose is to allow children to learn about and understand the process of a trial and her or his role in the proceedings. Experts will be trained in communities across the province and will be available to child victims and their parents.

267. Amendments to the *Limitations of Actions Act*, R.S.N.S. 1989, c. 258, in September 1993, extend the time limit for victims of sexual abuse to start civil legal action.

268. The Women's Directorate, in collaboration with the Department of Education, distributed over 20,000 copies of a brochure on dating violence to schools, universities, and community colleges in Nova Scotia.

269. The Senior Crown Attorney for Sexual Assault Prosecutions was appointed in July 1992 to prosecute cases, advise and train Crown attorneys and police officers, to draft policies, and to compile and disseminate information to Crown attorneys, victims, and the public.

270. The Department of Justice established an interdepartmental committee in September 1993 to respond to the report of the federal/provincial/territorial working group on gender equality in the Canadian justice system. The committee published a summary of Nova Scotia's efforts in this area in February 1994.

271. Judicial education initiatives include courses on gender equality, racial and cultural diversity, sentencing disparity, issues of family violence, spousal assault, child abuse, and issues of credibility in sexual assault cases. The training initiatives for police include gender sensitivity, workshops for elder abuse, and investigating family violence incidents. Education sessions for public prosecutors include child abuse and techniques for effective communications with victims of abuse. Training for public prosecutors includes child abuse, dynamics of child abuse and effective communications with victims.

272. The Family Violence Prevention Initiative (FVPI) was established in January 1992 to ensure an effective and consistent government response to family violence by fostering greater co-operation among government departments and community agencies. Seven government



departments and agencies are responsible for steering the FVPI: Community Services, Education, Housing, Justice, Planning and Priorities, and the Women's Directorate. Departmental committees on family violence formulate and implement annual workplans. Aboriginal, black, and immigrant interest groups are also involved in this initiative. The FVPI has also developed a series of information brochures on women abuse, child abuse, elder abuse, women living with disabilities and abuse, and men and abuse. It issues a newsletter which has a circulation of 25,000.

273. The Initiative has developed a protocol for a co-ordinated response to child physical/sexual abuse, spousal and elder abuse; developed training programs for workers in this field; and has produced a series of brochures to raise public awareness about prevention of family violence. A training strategy has been devised and is being implemented. Leadership training, basic orientation, specialized training for specific occupations, and training to facilitate positive collegial relations and teamwork across agencies and sectors are keystones of the strategy. In training sessions, the FVPI raises awareness by examining perceptions of roles and gender within the context of family violence. Some specific actions which have been taken are: 16 Nova Scotia communities have active interagency committees on family violence, each with representatives from children's services, transitions houses, health services, schools, police, probation, men's treatment groups, and seniors' groups; seven towns are mobilizing themselves for prevention campaigns without special funding from government; community leaders have received briefings encouraging and showing them how to take action against family violence in their community; community professionals (teachers, nurses, police officers, drug dependency workers, clergy, early childhood educators, correctional staff) have received basic training on family violence, with particular attention to the development of constructive attitudes and motivation to take an active role in prevention and remedial action.

274. A kit is available for doctors who perform sexual assault examinations. It was released late February 1994. It includes forms, sample containers, a training video, information on sexual assault laws and adult protection services, relevant sections of the *Children and Family Services Act*, information on who to report suspected cases of abuse and neglect, and sample medical forms. Kits will be distributed to Nova Scotia's 50 hospitals.

275. The Purple Ribbon Campaign is sponsored by the Women's Action Coalition of Nova Scotia. By wearing a purple ribbon, Nova Scotians are recognizing the reality of violence against women and remembering those women who have died violently or are living with abuse.

276. There are nine transition houses in Nova Scotia and seven Women's Centres providing service to rural and urban communities in the province. These centres offer support, referral for counselling, and print resources on a wide variety of issues. The Department of Community Services also provides funding for five treatment programs for abusive men.

277. The Nova Scotia Department of Justice provides funding to the Public Legal Education Society of Nova Scotia. Many of its core programs (Legal Information Line, Lawyer Referral

Service) and special projects (brochures, workshops, video on wife battering, gender sensitivity training) are designed to enhance women's access to the justice system.

278. A Spousal Homicide Study will determine the nature of services and support provided by justice, health and social welfare agencies to families at risk, identify risk factors associated with escalating spousal violence and recommend improvement in agency response and development of new programs/services for victims of abuse. The study is looking at 17 spousal homicide cases in Nova Scotia which occurred between 1986 and 1992.

279. In March 1991, a Tripartite Forum was set up with representatives from the federal and provincial governments and the Aboriginal community. Among the projects funded by the Forum is the Native Courtworker Program. The Community Legal Issues Facilitator's Project (November 1992) functions as a liaison between the justice system and the Aboriginal community. The Province will ensure the terms of reference for evaluating these projects include a look at the Province's efficacy in meeting the needs of Aboriginal women.

280. The Disabled Persons' Commission was created in 1989 to advise government on policies and programs for people with disabilities and to make all Nova Scotians aware of government programs serving persons with disabilities. In conjunction with the United Nations Decade for the Disabled (1983-1992), a task force was set up in July 1992 to study the economic integration of women with disabilities in Nova Scotia. The task force report, released in May 1993, included 27 recommendations on raising public awareness about women with disabilities, education and training, employment, income support, and day care. Members will continue to work on implementing the report's recommendations.

281. The Solicitor General's Special Committee on Provincially Incarcerated Women released its report in July 1992. It calls for the closure of the women's unit of the Halifax Correctional Centre in 1995.

282. Efforts are underway to implement a Unified Family Court. The objective is to eliminate many layers of courts and conflicting or concurrent jurisdiction, particularly over family matters. The philosophy of the Unified Family Court will be to provide a remedial and therapeutic model of adjudication, where procedures and processes are understandable, results are durable and where, as much as possible, uncertainty and inconvenience are eliminated. Plain language rules and procedures will be developed.

283. The *Solemnization of Marriage Act*, R.S.N.S. 1989, c. 436, now recognizes 19 as the marriageable age. A person under 19 but over the age of 16 may marry with parental consent. Marriages under the age of 16 shall not be solemnized without special application to a judge of the Family Court who must make a determination that it is expedient and in the interests of the parties to authorize solemnization of the marriage. The law applies equally to men and women.

	Women/Total		
	1985	1990	1994
Number of women in the provincial judiciary			
Federal appointments			
Appeal Division	0/10	0/10	1/9
Trial Division	1/11	2/14	3/25
County Court	0/10	1/10	(combined with Trial)
Provincial appointments	1/25	2/28	3/26
Family Court	2/13	2/17	3/18
Number of women in legislature	3	3	5/52
Number of female cabinet ministers	1/22	0/21	2/17
Number of women on municipal councils	89/610	96/620	95/609
Number of women on school boards	114/291	37.8%	104/205
Number of female deputy ministers	1	3/23	3/20



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## 4. NEW BRUNSWICK

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### Introduction

284. This report covers the period of January 1, 1991 to March 31, 1994.

285. The government of New Brunswick is committed to the improvement of opportunities for women through the development of policies and strategies which advance women's participation in society.

### Articles 2 and 3

286. The New Brunswick *Human Rights Act* prohibits discrimination on the basis of sex and marital status, among other things. It also prohibits sexual harassment. In May 1992, the definition of sex was expanded to include pregnancy as a prohibited ground of discrimination. Complaints on the basis of sex, sexual harassment, pregnancy and marital status, received by the New Brunswick Human Rights Commission, comprise 43 percent of the total case load. The largest portion of this number is in the category of sex discrimination in employment.

287. The Department of Education continued initiatives begun in 1989 with the Ministerial Statement on Multicultural/Human Rights Education, to ensure a discrimination-free environment for all students and personnel within the education system.

288. In 1993, the Women's Directorate ceased to exist as a separate department. Nonetheless, important initiatives aimed at improving the social and economic condition of women in New Brunswick continue. The New Brunswick departments of Health and Community Services, Justice, Finance, Advanced Education and Labour have taken on program and policy initiatives formerly under the Women's Directorate's mandate. Employment Equity, the Mentorship Program for Female Students, harassment in the workplace and flex hours are a few of the responsibilities and issues that are ongoing. There is a Minister responsible for the Status of Women in New Brunswick and a Minister responsible for Employment Equity. The former Deputy Minister of the Women's Directorate is the first female Ombudsman of the Province of New Brunswick.

289. The New Brunswick Advisory Council on the Status of Women continues to advise government on matters pertaining to the status of women in New Brunswick.

### Article 4

290. As an employer, the New Brunswick government actively supports employment equity initiatives which work towards social, economic and political equality for women in the New Brunswick public sector.

291. The employment equity program for women has been in place in Part I of the New Brunswick Public Service since 1985. Part I of the Public Service includes government departments.

292. Departments and agencies in Part I of the public service have completed two three-year cycles of employment equity action plans and began their third cycle in April 1993.

293. In preparation of the extension of the employment equity program to Part II of the Public Service, the Department of Education, in co-operation with the Department of Finance, has developed an employment equity policy as well as implementation and communication strategies. Part II of the Public Service includes schools and school boards.

294. In March 1993, the Minister of Education released a policy statement on employment equity.

### Article 5

295. The New Brunswick Department of Education has reviewed curriculum material to ensure that it is stereotype-free and portrays women in a positive light. In this regard, *A Checklist for Detecting Bias and Stereotyping in Instructional Materials* was developed.

296. The Department of Education, in conjunction with the Women's Directorate, developed posters and brochures encouraging female students to pursue non-traditional careers in the fields of mathematics and science.

297. The New Brunswick Human Rights Commission has developed a resource guide called *Rights and Responsibilities: the 4th and 5th R's of Education*. The guide, designed for use by educators, community groups and others, contains lesson plans in the areas of stereotyping, prejudice, and discrimination.

298. The Human Rights Commission has developed an audio-visual Foundations for Fairness series in French and English which contains the videos What is Prejudice?, A Parable in Black and White and a public service announcement Masks, as well as a study guide. Aimed at a wide audience, the videos deal with stereotyping, prejudice and discrimination.

299. The Department of Health and Community Services developed an award-winning film entitled When the Bough Breaks, which addresses the issue of family violence.

300. A Native Women's Transition House has been established in Fredericton, to provide shelter and counselling to on and off-reserve Native women in crisis. The transition house is cost-shared by the federal Department of Indian and Northern Affairs and the New Brunswick Department of Health and Community Services.

301. The New Brunswick Interdepartmental Committee on Family Violence continues to monitor, recommend and co-ordinate government initiatives related to all forms of family violence. The Committee was established in 1987 in order to facilitate co-operation and understanding between government departments and agencies which deal with family violence.

302. The Interdepartmental Committee on Family Violence has developed a multi-year multi-disciplinary training strategy and curriculum to be completed by 1996. The training will be delivered in three phases. Phase I will address Child Abuse, Phase II Women Abuse, and Phase III Abuse of Vulnerable Adults.

303. The Court of Queen's Bench, Family Division, has several support services which are provided to separating or divorcing spouses and single parents. These services include information and screening services, counselling, mediation services, legal representation, and support order enforcement services.

304. The Domestic Legal Aid program was introduced in May of 1993. Working together, court social workers and family solicitors in the eight judicial districts are able to represent the interests of victims of spousal abuse. Court social workers, after screening and assessment, refer victims of spousal abuse to the family solicitor who is hired on contract to represent their interests and provide legal representation to the court for any needed relief sought by the clients in the areas of support, custody, access and division of property.

305. The Department of Justice initiated a one-year pilot project titled the Trauma Counselling Project in October 1993. The goal of the project is to help abused and traumatized women and children effectively deal with the criminal court process.

306. A steering committee on Public Awareness of Family Violence through Community Partnerships is comprised of community and government representatives. The intent of this project is to educate the public regarding the definition of family violence, the criminality of this type of abuse, its sources and causes, and its effects and impacts on society. The project also aims to establish collaborative partnerships with government, non-government groups and corporations to foster a comprehensive approach towards the elimination of family violence.

307. New Brunswick was chosen as the national pilot test site for the development of criminal justice family violence statistics. The project is currently on-going with the New Brunswick Department of the Solicitor General and consists of gathering and analyzing statistics on woman abuse.

308. In its commitment to address the various components of family violence, the New Brunswick government established working groups to develop protocols to help identify and promote effective intervention. The child abuse protocols were established in 1987 and the woman abuse protocols in 1990. Woman abuse protocols were reviewed and redistributed in 1993.

309. The Muriel McQueen Fergusson Foundation Inc. is a charitable trust, established in 1985. The goals of the Foundation are to fund research into the causes, incidence and forms of treatment of family violence and to promote and sponsor effective public education programmes. In 1987, the Foundation created the Muriel McQueen Fergusson Centre for Family Violence Research at the University of New Brunswick, in co-operation with that university. The Centre is dedicated to the study of family violence and to undertake initiatives which will contribute to the elimination of family violence in society. In mid 1991, a \$2.5 million fund raising campaign was undertaken by the Foundation.



### **Article 7(b)**

310. The number of women members of the Legislative Assembly (MLAs) of New Brunswick has continued to rise over the years from a low of one in 1967 to a total of 10 women MLAs in 1993 out of 58.

311. In 1994, four New Brunswick female MLAs are represented at the cabinet level.

312. New Brunswick's first woman Speaker of the House was appointed in October 1991.

313. In 1993, four out of nineteen deputy ministers were women.

### **Article 8**

314. Women represent the Province of New Brunswick at international levels and participate in the work of international organizations.

### **Article 10**

315. During the period of this report, full-time female enrolment percentages at all four university levels increased as did percentages of those who obtained degrees. The four levels are bachelors, 1st Professional, Masters, and PhD.

316. New Brunswick Student Aid offers the Women's Doctoral Scholarship Program. Ten scholarships a year at \$5000 each are offered.

317. The Gender Equity in Education Award offered by the Department of Education recognizes, on an annual basis, individuals who have made a significant contribution towards the achievement of gender equity in the public school system.

318. The Innovation and Development Team of the Department of Education is a new branch formed to help develop innovative initiatives in education. Women's issues is one of the priority areas, and innovative programs for female students, teachers, and educational staff will be initiated.

319. In October 1993, the Department of Education sponsored a conference called "Young and Female: Challenging the Status Quo". The conference focused on exposing young women to non-traditional careers and facilitated discussions on obstacles that have kept women from pursuing these professions.

320. The Promotion of Higher Achievement for Female Students in Science and Technology, sponsored by the Department of Education, held two seminars and in addition, sponsored two summer science institutes in 1992 and 1993. Thirty-six students and six teachers worked with thirty-six female scientists for four days.

321. The Interdepartmental Committee on Family Violence held numerous workshops in school districts on Women Abuse Protocols and in high schools on Dating Violence.

322. Staff development projects for female teachers are designed to encourage and assist female teachers to take courses leading to the attainment of the principal's certificate. Upon completion, a bursary is allocated to cover tuition costs.

### Article 11

323. In 1991, women over the age of 15 comprised approximately 54.4 percent of New Brunswick's total labour force.

324. A Day Care Assistance Program is offered by the Department of Human Resources Development – New Brunswick. It is designed to provide assistance with the cost of day care services, purchased from licensed day care facilities, to families who meet the eligibility requirements.

325. In December 1993, the Department of Income Assistance (now the Department of Human Resources Development) publicly released a discussion paper entitled *Creating New Options*. The document suggested that significant reforms were needed with respect to the provincial social assistance policy and employment related services for unemployed New Brunswickers. A ministerial committee was established to oversee a three month consultation process throughout the province. A public consultative report was released in mid-1994 which outlines key themes and summarizes participants feedback.

326. In May 1992, the New Brunswick and federal governments launched a joint initiative called "NB Works". This six year national demonstration project provides a continuum of counselling, education, training, and work experience services to income assistance recipients. The project is designed to enable participants to obtain sufficient educational, employment and life skills to strive towards self-sufficiency. NB Works consists of a \$177 million federal/provincial commitment to the project's implementation and goals, with the potential to impact future social policy and programming models in Canada. The government partners are the federal Department of Human Resources Development and the provincial departments of Human Resources Development and Advanced Education and Labour. The overwhelming majority of participants in the NB Works program are women, who represent over 80 percent of the total number of participants to date.

327. The *Pension Benefits Act* introduced a series of pension reforms which will enhance income security during retirement. The Act provides statutory eligibility rights for part-time workers, enhanced portability rights, and five year vesting. These provisions will assist in preserving pension membership for women who may have interrupted working patterns as a result of child care responsibilities. New requirements for the provisions of pre-retirement and post-retirement survivor benefits will also facilitate more employment pension benefits being delivered to spouse and beneficiaries, many of whom are women.

### Article 12

328. The Department of Health and Community Services offers a reproductive health clinic program which provides counselling, clinical and outreach educational services. It is implemented in all seven regions of New Brunswick.

329. The Mental Health Commission's intervention services for victims of family violence has thirteen treatment groups throughout the province. These groups include adult female survivors victimized by childhood sexual abuse by someone in a position of trust.

330. In March 1991, The Department of Health and Community Services established the New Brunswick Breast Cancer Screening Committee and charged it with a mandate to explore the feasibility of establishing a provincial breast cancer screening program. It is anticipated that organized breast cancer screening services will be operational by January 1995.

### **Article 13**

331. The By-law of the *New Brunswick Arts Board Act* came into effect in June 1991. The by-laws state that Juries for Artistic Merit must reflect a balance of the seven artistic disciplines as well as gender, language and region. The New Brunswick Arts Board is a branch of the New Brunswick Department of Municipalities, Culture and Housing.

332. The Sports Branch of the Department of Municipalities, Culture and Housing promotes national programs which encourage women to participate in sport activities. In particular, the Province supports the program of the Canadian Coaching Association which assists women coaches to further develop their skills.

333. In 1994, the Province adopted a sports and recreation policy which ensures equal opportunities for all persons.

### **Article 14**

334. The New Brunswick Farm Women's Association receives funding from the New Brunswick Department of Agriculture. This Association lobbies for women and families living on farms in New Brunswick. The New Brunswick Women's Institute also receives funding from the Department of Agriculture. The Institute is a provincial organization which works to improve the quality of rural women's lives.

335. The Department of Agriculture has a farm management program. A national survey has found that in excess of 60 percent of New Brunswick farm women have taken business management courses.

336. The Department of Economic Development and Tourism has an ongoing entrepreneur program called Self-Start. One of the main target groups is women. In 1993, total approvals numbered 897, with 367 for females.

### **Article 15**

337. The Saint John Regional Correctional Centre offers various ongoing female offender programs and workshops on such topics as parenting, self-esteem, anger management, assertiveness, self-awareness, community awareness and effective interpersonal communication.



338. Two half-way housing facilities are available for female offenders: Euphrasia House and the John Howard Society.

### **Article 16**

339. The Department of Human Resources Development of New Brunswick will significantly increase activity in the enforcement of family support orders.

340. The *Change of Name Act* was amended. The consent of a spouse is no longer required for the other spouse's application for a change of registered name involving a surname. It is now replaced by a notification requirement only.

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## 5. QUÉBEC

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341. In accordance with article 18 of the *Convention on the Elimination of All Forms of Discrimination against Women*, the Government of Québec submits this fourth report which deals with the measures adopted between January 1, 1991 and early 1994 to give effect to the provisions of the Convention. The report deals with the progress made during this period.

342. First of all, it should be noted that on December 18, 1991, the National Assembly of Québec passed the new *Civil Code of Québec*, legislation of general application that deals with various issues covered by the Convention. This new Civil Code, in harmony with the *Charter of Human Rights and Freedoms*, R.S.Q., c. C-12, and the general principles of law, governs persons, relations between persons and property. Its coming into force on January 1, 1994, confirms the family law reforms of 1980 and the 1989 provisions concerning the partition of family patrimony, which enshrine the equality of women.

343. In 1993, the Government of Québec adopted a new policy on the status of women. Convinced that independence is required if the situation of women is to be improved, the Government intends to provide women with active support so that they can control the conditions of their social, personal and occupational lives and play their full role in all fields of activity in Québec society.

344. The Government will take action in four areas, which provide the parties involved with guidelines on those areas of activity that should be given priority. They are as follows: financial independence, respect for physical and psychological integrity, elimination of violence against women, and recognition and development of their collective contribution.

345. The policy as a whole will be implemented over 10 years. The first stage involves 135 commitments by the Government over 3 years (1993 to 1996). Initially, 44 departments and agencies will participate. These commitments are the result of an initiative involving government co-operation and partnership with unions as well as with the parapublic, community and private sectors. *La politique en matière de condition féminine : Un avenir à partager...* [policy on the status of women. A future to share ...] and the accompanying documents have been filed with the report.

346. This policy is another step toward establishing an egalitarian society. Women's independence, just like the recognition of basic rights, is a key value that must provide the basis for the creation of more egalitarian relations between women and men and must allow Québec society to make the principles of justice and equity its own.

### Article 1

347. Section 10 of the *Charter of Human Rights and Freedoms* satisfies the requirements of the Convention by prohibiting discrimination based on such criteria as sex, pregnancy and civil status. Section 10.1 prohibits harassment based on the same grounds. This

discrimination against women, whether intentional or not, is prohibited in the following areas, among others: the exercise of fundamental freedoms and rights, the right to equality in the exercise of these rights, the provision of goods or services offered to the public, access to public transportation and public places, employment and the exercise of political, legal, economic and social rights. This prohibition deals with both private and public acts, since the Charter is also binding on the Government of Québec. Moreover, section 48 of the Charter provides that every aged person and every handicapped person has a right to be protected against any form of exploitation.

348. Like other governments, the Government of Québec has taken action to eliminate violence against women in order to ensure their physical safety and enable them to exercise their rights and participate equally in society's activities.

349. Recommendation 19 of the Committee on the Elimination of Discrimination against Women states that violence against women is a form of discrimination that inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. Consequently, it recommends that the States parties take steps to ensure that the reports reflect the close link that exists between discrimination against women, gender-based violence, and the violation of human rights and fundamental freedoms.

350. To comply with the Committee's request, and since this subject was not dealt with in previous reports, the Government of Québec feels it is appropriate to provide an account of all the measures taken since the mid-1970s to combat violence against women. Because the subject is so vast in scope, the various actions taken in Québec to combat violence against women are presented in Appendix 1.

#### **Article 2(a)**

351. The measures taken to give effect to this paragraph have been alluded to under article 1 and in earlier reports, to which the reader can refer if necessary.

#### **Article 2(b)**

352. During the period in question, 612 of the 2,572 complaint cases opened by the Commission des droits de la personne [human rights commission] of Québec dealt exclusively with discrimination against or harassment of women based on sex or pregnancy. The vast majority of these complaints resulted in settlements at the Commission level. The situation with respect to complaints of discrimination or harassment based on sex, pregnancy or civil status (marital status), specifically in the employment sector, that reached the courts is as follows: a dozen actions that have been instituted are awaiting judgment; sixteen judgments have been rendered, most in the complainant's favour; about fifteen cases ended with out-of-court settlements.



### Article 2(c)

353. It should be noted that in June 1989, the National Assembly of Québec passed a bill creating a Tribunal des droits de la personne [human rights tribunal]. Since January 1, 1990, this tribunal has had jurisdiction to rule on complaints of discrimination or exploitation. Its decisions are enforceable and it also has jurisdiction over affirmative action programs. It is made up of at least seven members, who are selected for their experience, expertise, sensitivity and pronounced interest in human rights.

### Article 2(e) and (f)

354. **Employment equity strategy** – The representation of women in the labour force has more than doubled since the early 1940s, increasing from 21 percent to 44 percent. However, this increase has not resulted in equality between men and women in the labour force. This situation led the Government to take action by focusing on an integrated employment equity strategy concentrating on three areas: education and training, the labour market, and the reconciling of family and employment responsibilities.

355. **Harassment** – In 1993, the Government of Québec adopted a harassment policy covering both sexual harassment and harassment based on any other ground of discrimination set out in section 10 of the *Charter of Human Rights and Freedoms*, including race, colour and religion. All departments and agencies with staff appointed under the *Public Service Act* (R.S.Q., c. F-3.1.1) must enforce this policy.

356. The policy provides for two complementary approaches in preventing and remedying harassment: first, awareness and information, and second, the creation of an internal mechanism for handling complaints from victims.

357. **Wage Parity** – Since 1989, the Government has been promoting wage parity in all public and parapublic sector jobs in order to increase wage equity among employment groups. An assessment of jobs has resulted in 84.3 percent of women being given a wage adjustment. The remedial measures increased the total wage bill by more than \$330 million. This government initiative has affected 14 percent of Québec workers.

358. In the public and parapublic sectors, the average wage for women is currently 85 percent of that for men. The 15 percent difference can be explained mainly by the concentration of women in a limited number of the lowest-paid jobs.

### Article 3

359. **Employment equity** – The proportion of women in the labour force has increased, and 80 percent of net labour force growth in Québec since 1980 is accounted for primarily by the presence of women. This trend should continue.

360. Despite the progress made, it must be acknowledged that women work in a limited number of sectors, which generally offer lower wages or fewer opportunities for advancement and fewer fringe benefits.

361. Accordingly, the Government of Québec feels that action should be taken not only with respect to the labour market, but also with respect to training, education, and the reconciling of family and employment responsibilities. This is the thrust of the employment equity strategy it has developed, which was discussed above under article 2(e) and (f).

362. **Women with disabilities** – Although concerns about the status of women have existed for several decades in Québec, the same cannot be said of women with disabilities. As a matter of fact, this group began to assert its claims only ten years or so ago.

363. In May 1993, the Forum pour l'intégration sociale des personnes handicapées [forum for the integration of the disabled into society] set out to assess the achievements of the last ten years and guide future action in this area. For the first time at an event of this size women's issues were on the agenda. A discussion on women brought together government agencies responsible for the status of women, the Office des personnes handicapées du Québec [Québec agency for the disabled], and representatives of associations. At this initial meeting, arrangements for co-operation and exchanges were also made.

#### Article 4

364. **Affirmative action program** – It should be noted that the *Charter of Human Rights and Freedoms* devotes a whole chapter to affirmative action programs; the Government of Québec's contribution to Canada's first report discussed this subject extensively in pages 12 to 14 (pages 333 to 335 of UN document CEDAW/C/5/Add.16).

365. The pilot projects started in 1986 under the affirmative action programs concerning employment were evaluated in the spring of 1991. A comprehensive report was released the following July. It noted that over the four years of the action plan, 76 organizations had taken affirmative action measures affecting close to 900 establishments and 150,000 persons. More than \$13 million in funding was granted.

366. With respect to affirmative action programs in the construction industry, in late June 1991 the Minister of Labour announced his intention to study ways of setting up such programs. In October 1993, at the Sommet sur l'industrie de la construction [high-level meeting on the construction industry], the parties involved in this industry undertook to include a clause in collective agreements that would promote women's access to the industry and to create a committee responsible for developing mechanisms to facilitate such access and maintaining and increasing the number of women working in the industry.

367. **Contractual obligation program** – For a description of this program, the reader can refer to paragraph 347 of the third report of Canada. Since the implementation of the contractual obligation program began in 1989, 231 firms have committed themselves to setting

up an affirmative action program. Of this number, 123 are successful bidders and 2 have finished setting up and implementing an affirmative action program.

368. The Commission des droits de la personne has been asked by the Government to evaluate the performance of firms subject to contractual obligations. The following table summarizes the situation for 1991, 1992 and 1993:

1991:	86 active files 59 reports received: diagnostic phase 24 files: evaluation phase 12 files: implementation phase
1992:	105 active files 86 reports received: diagnostic phase 53 files: evaluation phase 26 files: implementation phase one firm: certificate of merit
1993:	124 active files 79 files: evaluation phase 57 files: implementation phase one firm: certificate of merit

369. Over these three years, 16 firms that did not meet their commitments were punished by being prohibited from bidding again or receiving a grant.

370. **Activities of the Commission des droits de la personne in setting up voluntary affirmative action programs** – One purpose of the promotion program is to provide union organizations and employers with the training and information needed to set up such programs. On request, expert advice is provided concerning all aspects of setting up the program, particularly structuring and collecting employment data, analysing availability, and analysing employment policies and practices. Finally, the development aspect concerns the creation of instruments to implement the programs. Fifty-seven files were active in 1991, 64 in 1992 (33 of which were opened the same year) and 45 in 1993 (27 of which were opened the same year).

### Article 5(a)

371. The Policy Statement on the Status of Women stresses the direct and indirect effects of social relations between women and men, especially regarding health and violence. For example, with respect to violence, it is expressly stated that violence against women is intrinsically linked to the social context in which we live.

372. The Policy Statement on the Status of Women also maintains that the increase in violence-laden messages in the communications media and in pornography promote the emergence of a climate in which all forms of violence, including violence against women,



become a fact of life. The negative messages conveyed contribute to society's tolerance of violence, which prevents the development of egalitarian social relations between women and men.

373. The Policy Statement on the Status of Women and the health and welfare policy adopted in 1992 propose that health and welfare be put back at the centre of social and economic development and that the approaches and actions of the system delivering the services be modified by attacking the source of the problems first. These policies recognize that relations between women and men are an important aspect of the social environment that must be influenced to improve the health of the most disadvantaged groups, such as women heads of single-parent families and elderly women living alone.

374. Concerning the promotion of this provision of the Convention, the Commission des droits de la personne awards the *Droits et libertés* [rights and freedoms] prize every year. In 1992, it was awarded to the president of the Québec Native Women's Association, whose actions have shown that dignity, integrity, independence and basic rights are values that are desired and lived by Aboriginal women as well.

#### **Article 5(b)**

375. It is society's responsibility to enable each person to achieve self-fulfilment under the same conditions. Recognizing the role played by women in giving birth to children means promoting a better distribution between women and men, and among the various social and economic institutions involved, of the consequences and costs of having children.

376. The Government recognizes that reconciling family and employment responsibilities, the third aspect of its employment equity strategy, is both a need for parents and a necessity for the organizations to which society must adapt.

#### **Article 7(a)**

377. In the municipal sector, the representation of women continues to grow slowly. The percentage of women mayors increased from 6.6 percent in 1990 to 8.6 percent in 1993. There are more women serving as municipal councillors, although they are still in the minority. In 1990, 17.7 percent of councillors were women; this figure rose to 19.2 percent in 1993. (Appendix 2)

#### **Article 7(b)**

378. In the public service, the representation of women in executive positions is increasing slowly. In all executive employment categories, the proportion of women rose from 20.8 percent in 1991 to 22.1 percent in 1993. There seem to have been certain very limited gains in deputy minister positions: from 2 women in 1991 (or 6.9 percent of the total) to 7 in 1992 (16.3 percent) and 6 in 1993 (13.3 percent). Since this figure is still very low, it is difficult to identify a precise trend on the basis of such a short period. However, it will be noted that, generally, the representation of women is inversely proportional to the hierarchical

level of executive positions. Indeed, in the "management" category, women make up slightly more than a quarter of all staff, whereas in deputy minister, associate deputy minister and assistant deputy minister positions, women generally account for less than 15 percent. (Appendix 3)

379. As for the representation of women in the judiciary, there has been steady progress over the period from 1990 to 1994. Overall, on March 31 of each year, women accounted for 6.8 percent of judges in 1990, 8.8 percent in 1991, 9.9 percent in 1992, 11.0 percent in 1993 and 11.8 percent in 1994. (Appendix 4)

380. In the realm of politics, the representation of women among those elected has not changed since the last election in 1989. At that time, 23 women were elected to the National Assembly, or 18.4 percent of all the members elected. However, the number of ministers has changed since 1989, following the cabinet shuffle in January 1994. In 1989, six women were appointed ministers, or 20 percent of all ministers. Since January 1994, there have been only four women ministers out of a total of 21, or 19.0 percent of the total. However, they are in charge of important departments such as Income Security, Health and Social Services, Treasury Board, Culture and Communications.

#### **Article 7(c)**

381. In Québec school boards in 1992-93, the only year for which data are available, 34 of the chairpersons and 52 percent of the board members were women.

382. It should be noted that to fund the activities of women's groups, government departments and agencies distributed grants of \$25,407,306 for 1991-92. This figure rose to \$29,456,288 in 1992-93 and \$34,186,282 in 1993-94.

#### **Article 10(a)**

383. The democratization of education in Québec has greatly benefited girls. The gains speak for themselves: between 1978 and 1990, the number of degrees awarded to women increased by 47 percent at the bachelor level, 133 percent at the master's level and 151 percent at the doctoral level.

384. In 1991, they earned 53 percent of secondary diplomas, 58 percent of college diplomas and 57 percent of university degrees. The proportion of girls proceeding to college education after finishing secondary school is 70.2 percent, compared to only 52.9 percent for boys.

385. Despite this progress, the Government of Québec is continuing its efforts through targeted and diversified action to consolidate the gains that have been made, particularly in the fields of science and technology and in occupational diversification for girls and women. In this area, the situation requires rectification. In 1992, 80.4 percent of the occupational training diplomas at the secondary level awarded to women were concentrated in three sectors out of a possible twenty-three: beauty care, secretarial work and health care. At the college level, women were the recipients of 5.5 percent of technical training diplomas in the physical

sciences degrees and 29.3 percent in the biological sciences. At the university level, in applied sciences, women received only 21.9 percent of the degrees, while in pure sciences this figure was 44 percent and at the doctoral level, it was 26.1 percent.

386. In the status of women policy, the Government admits that occupational diversification for women is a significant problem. It therefore places priority on encouraging girls and women at all levels of education to succeed academically and remain in school, increasing their participation in cutting-edge sectors, and encouraging them to continue in those sectors. These actions will be supported by an inter-departmental committee on professional diversification, which reports to the Secrétariat à la condition féminine [status of women secretariat].

#### Article 10(c)

387. In 1991-92, the Department of Education continued its work of removing all forms of sexism from educational materials. In order to do this, it produced a framework for analysis that was made available to school boards and it distributed a descriptive critical bibliography of Québec literature for young people from which sexist references had been removed. This was entitled *Le plaisir de lire sans sexisme* [the pleasure of non-sexist reading] and was distributed to all school libraries. It also developed a plan of action to eliminate sexism from attitudes and teaching practices. Finally, it produced and distributed throughout the school system a short film entitled *Clippe mais clippe égal* [favour but favour equally], accompanied by a teacher's guide for students in elementary and secondary schools.

388. The Office de la langue française du Québec [French-language board], for its part, published a guide for use in the feminization of job titles and texts.

389. The commitments made in the status of women policy emphasize actions geared to college students. The Department of Education also plans to develop not only the skills of future teachers in detecting and suppressing various forms of discrimination, in particular those based on sex, but also their ability to choose and use non-discriminatory teaching materials and their ability to help all students to know themselves and to continue with their studies despite the difficulties these students may experience on account of their sex.

#### Article 10(f)

390. In the early 1990s, 35.3 percent of students "dropped out" of school, just over four out of ten boys and slightly under three out of ten girls. The same figures apply in 1994.

391. In 1992, the Department of Education implemented an action plan, *Chacun ses devoirs* [everybody to their homework], with a budget of \$367.6 million, intended for the whole of the school system, elementary and secondary. In five years this operation is designed to enable 80 percent of students to graduate from secondary school by increasing the number of graduates by 3 percent per year.



392. The reasons for "dropping out" and the impact of this decision differ according to sex. Since 1993, the Department of Education has sought to determine the causes of "dropping out" among girls and will provide particular support to encourage teenage mothers to succeed at school.

#### **Article 11(1)(c)**

393. In order to alleviate the worsening financial situation of minimum-wage earners, the minimum hourly rate was raised from 1991 to 1993 from \$5.55 to \$5.70 and to \$5.85 on October 1 of those years. Over the same period, the hourly rate for workers who receive tips was raised from \$4.83 to \$4.98 and \$5.13. Lastly, the minimum weekly rate payable to a domestic residing in the home of the employer was raised from \$215 to \$221 and \$227 from 1991 to 1993. These successive increases in the minimum wage benefit mainly women, who account for 70 percent of minimum-wage earners.

#### **Article 11(1)(d)**

394. Earnings are not solely dependent on salary. The present comparison between the earnings of women and men, however, relates only to salary. The Secrétariat à la condition féminine [status of women secretariat] has undertaken to set up a task force on overall earnings. The primary mandate of this group will be to determine whether discrepancies also exist in other forms of earnings such as fringe benefits, conditions of work and performance pay. It will then be necessary to determine, where appropriate, the extent of and reasons for the differences.

395. Since January 1, 1991, as a result of the amendments to the *Labour Standards Act*, R.S.Q., c. N-1.1, employers have been prohibited from giving a person whose average hourly wage does not exceed twice the minimum wage a salary rate below what is given to other employees performing the same duties in the same establishment solely on the ground that this employee usually works fewer hours per week. Employers are also prohibited from reducing the duration of annual leave or changing the method of calculating compensation in the same circumstances and for the same reason.

396. Women are very much in the majority in part-time employment. Approximately 70 percent of those who hold part-time jobs are women. One woman in five has such a job whereas the figure for men is less than one in ten.

#### **Article 11(1)(e)**

397. The Bill to amend the *Québec Pension Plan Act*, R.S.Q., c. R-9, was passed in June 1993. It provides in particular that a retirement pension may be shared between the beneficiary and his or her married spouse on retirement as long as the couple is not legally separated, the spouse is not less than 60 years old and is not a contributor to the Québec Pension Plan or an equivalent plan. The pension is shared at the request of one of the spouses.

### Article 11(2)(a) and (b)

398. The *Labour Standards Act* has been amended to include unpaid parental leave of up to 34 weeks. The conditions that apply when the individual returns to work vary in accordance with the duration of the leave. Thus, if the employee returns to work after not more than 12 weeks of leave, the employee may return to his or her usual position with the same benefits, including the salary to which he or she would have been entitled if no leave had been taken. If the employee has taken more than 12 weeks of parental leave, the employer is merely required to reinstate him or her in a comparable position in the same establishment. As in the case of maternity leave, a presumption of prohibited practice continues to apply for at least 20 weeks after the return to work from parental leave.

399. This Act confers the right to leave but does not provide for income replacement. At the present time, income replacement during maternity leave and parental leave is provided by the *Unemployment Insurance Act*, a federal statute that provides for partial income replacement.

### Article 11(2)(c)

400. On December 16, 1992, the Government issued new regulations making it possible to determine and allocate each year the number of day care places that are totally subsidized or for which financial assistance and grants may be provided. In addition to prescribing how the number of new day care places for which funding may be provided by the Office des services de garde à l'enfance [day care services board] is determined, the regulations also contain the criteria governing the allocation of these new places among the sixteen regions of Québec and within those regions.

401. As of March 31, 1994, Québec child care services regulated by the day care services board provided a total of 102,183 places: 49,117 in day care centres, 15,253 in families and 37,135 at schools.

402. It should be noted that in November 1992 the Government adopted a new *Politique d'intervention en service de garde à l'intention des enfants issus de milieux défavorisés* [policy on action by day care services in the case of children from disadvantaged homes]. This policy has two major objectives: to provide more support for day care staff so that they are better able to meet the specific needs of children from disadvantaged families and to implement a program to stimulate children at an early age and to provide a support program for parents.

403. Finally, the *Taxation Act*, R.S.Q., c. I-3, enables parents who work outside the home to deduct a large part of the cost of day care for their children from their taxable income. In addition to this deduction, there is a tax credit for all persons with one or more dependent children.

### Article 11(2)(d)

404. Following numerous criticisms of the management of the preventive withdrawal program for pregnant workers or nursing mothers, the program was refocused on its primary objective, namely, prevention. Since 1990, the program has had a new name: Pour une maternité sans danger [Maternity without danger].

405. In 1992, 19,029 applications or 92.8 percent of those received (20,700) during the year were accepted. The total amount of compensation paid was \$80 million. The number of applications accepted was slightly down from the figure for 1991 (19,307). Between 1991 and 1992, however, there was a 4 percent increase in the total amount of compensation paid.

406. The primary objective of the program is still to enable the employee to remain at work by means of a temporary reassignment. Unfortunately, the almost systematic withdrawal of pregnant women from workplaces penalizes these women by depriving them of all the benefits that would result from a more continuous presence at work.

407. **Legal decisions in the employment sector** – Between January 1991 and March 31, 1994, many judgments were issued in the employment sector:

- *CDP c. A. H. Besner Ltée*.<sup>1</sup>: In this case, the complainant was awarded \$4,655 in compensation for dismissal following that of her husband. The defendant claimed there was a conflict of interest. The Tribunal held that such dismissal was a discriminatory act based on the victim's civil status (marital status).
- *Dufour c. Centre hospitalier Saint-Joseph-de-la-Malbaie*<sup>2</sup>: This was a case involving gender requirements for positions in a hospital setting. The hospital refused to hire women for permanent positions, preferring men with less seniority on the ground that it was respecting the right of male patients to intimate care by persons of their own sex and because of the physical strength required in the work. The Tribunal accepted the complainants' arguments because the employer failed to show the relevance of its reasons for refusal and ordered it to pay the complainants between \$10,000 and \$15,000 for pain and suffering.

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<sup>1</sup> CDP refers to the Québec human rights commission (Commission des droits de la personne). C.Q. No. 760-02-000324-892, July 19, 1991, (J. R. Boyer). See also No. 9 below.

<sup>2</sup> T.D.P.Q., No. 240-53-000001-918, January 29, 1992, (J. M. Rivet). Note that in this case the Human Rights Commission was not the applicant.



- In *CDP c. 116550 Canada Inc.*<sup>3</sup>, the Tribunal had to consider the dismissal of a restaurant waitress on account of her age. According to the complainant's testimony, her employer told her when she was dismissed that she was too old although the defendant, on the other hand, gave the employee's incompetence as the reason. The Tribunal accepted the complainant's arguments and ordered the defendant to pay \$2,000 for pain and suffering and \$1,652 in material damages.
- *CDP c. Up-Town Automobiles Ltée.*<sup>4</sup>: In this case, the complainant, the only woman on a team of five car salespersons, was humiliated by her male colleagues prior to her dismissal. The judgment accepted the Commission's claim and found that the dismissal was discriminatory because it was based on sex. The Tribunal awarded the victim \$16,450 for loss of income, \$2,000 for pain and suffering and \$500 in exemplary damages, since the judge felt that the employer had acted with intent.
- *CDP c. R. Marotte*<sup>5</sup>: In this case, the complainant was a guard in an institution for the rehabilitation of socially maladjusted young persons. She was sexually harassed by her team leader and had to absent herself temporarily from work because of the tension and anxiety caused by the situation. According to the judge, the harassment "affected the integrity of the person and consequently deeply upset the victim". The judge awarded the victim a sum of \$2,000 for pain and suffering.
- *CDP c. Entrepôt Tapis du manufacturier M. E. Inc.*<sup>6</sup> involved a dismissal of the complainant when her husband had just left his job to work for a competing business. The employer argued a possible conflict of loyalty. The Commission's application was allowed. The Tribunal felt that the dismissal was discriminatory in that it was based on civil status and ordered the defendant to pay \$990 in material damages and \$1,500 for pain and suffering.
- In *CDP c. J. Y. Larouche*<sup>7</sup>, the Tribunal held that the employer had sexually harassed the complainant and that this had been aggravated by an intrusion into her privacy. The judge consequently ordered the defendant to pay the victim \$8,700 in material damages and for pain and suffering.

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<sup>3</sup> T.D.P.Q., No. 500-000004-927, October 20, 1992, (J. M. Sheehan). In this context see also *C.D.P. c. Antginas*, below, note 9.

<sup>4</sup> T.D.P.Q., No. 500-53-000005-924, November 12, 1992, (J. M. Sheehan).

<sup>5</sup> C.Q., No. 500-033549-903, November 24, 1992, (J. R. Barbe).

<sup>6</sup> T.D.P.Q., No. 500-53-000001-923, December 9, 1992, (J. G. Rouleau).

<sup>7</sup> T.D.P.Q., No. 655-53-000002-923, April 27, 1993, (J. G. Rouleau).

- In *CDP c. Municipalité de Petite-Rivière Saint-François*<sup>8</sup>, the Tribunal granted the Commission's application alleging a discriminatory refusal to hire the complainant on the basis of civil status and sex. The victim had lost a position as assistant secretary-treasurer because her husband had been a municipal councillor and also because she had children, unlike another candidate. The Tribunal awarded the victim \$6,000 in material damages and \$4,000 for pain and suffering.
- In *CDP c. E. Antginas*<sup>9</sup>, two restaurant waitresses who complained about their dismissal based on the fact that their employer wished to hire younger staff, were successful in their claim. The Tribunal assessed the material damages as being three months' income (including tips) of each of the two victims: \$3,625 and \$3,705. It also assessed the pain and suffering of the victim who had worked for approximately three years at \$2,000 and that of the victim who had worked for only three months at \$1,000.
- *CDP c. Hudon et Daudelin Ltée*<sup>10</sup>: This case involved a refusal to hire a woman to a position as a management secretary because of fears of a conflict of interest owing to her husband's status as a union member. However, the Commission's application was dismissed by the Tribunal, which held that the lack of a marital link with an employee of the business was a prerequisite for the job.

### Article 12(1)

408. The reform of the health and social services system and the adoption of the *Politique de la santé et du bien-être* [health and welfare policy] were aimed at making significant reductions in the health and social problems that caused most suffering to the people of Québec. This policy recognizes the relations between men and women as constituting an important aspect of the social environment on which action should be taken in the future in order to improve the health of the most affected groups.

409. In order to ensure that mental health services take the needs and living conditions of women into account, the Department of Health and Social Services organized training sessions on feminist intervention, during the 1992-1994 period, which were offered to persons working with women in both community organizations and various types of institutions in the health and social services system.

410. In 1993, the Comité de la santé mentale du Québec [Québec mental health committee] published a work entitled *Le défi de l'égalité, la santé mentale des hommes et des femmes* [the challenge of equality: the mental health of men and women]. This publication was used to

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<sup>8</sup> T.D.P.Q., No. 240-53-000001-926, June 23, 1993, (J. M. Rivet).

<sup>9</sup> T.D.P.Q., No. 500-53-000029-924 and No. 500-53-000030-922, August 19, 1993, (J. M. Rivet).

<sup>10</sup> T.D.P.Q., No. 500-53-000011-930, November 15, 1993, (J. M. Sheehan).

enhance the *Politique de santé mentale* [mental health policy] adopted in 1989. It takes a preventive and promotional approach, as do the other seven publications prepared by groups of experts attached to the committee on various questions involving mental health: aging, poverty, work, cultural communities, Aboriginal people, rehabilitation, prevention and promotion.

411. In 1993, a task force was formed with a mandate to propose, for the benefit of all regions of the province, a reference framework to promote the development and integration of services to be offered to women as part of regional plans for the organization of mental health services.

412. In Phase III of the *Stratégie québécoise de lutte contre le sida et de prévention des maladies transmissibles sexuellement* [Québec strategy against AIDS and to prevent sexually transmitted diseases], the action plan of the Department of Health and Social Services for the years 1992 to 1995 identifies women as a group to which priority must be given. Acting through the Centre québécois de coordination sur le sida [Québec AIDS co-ordination centre], the Department provides grants to regional associations to implement preventive projects for women. After awareness of the impact of AIDS in relations between men and women was raised at the Conference on Les femmes et le sida : Les enjeux [women and AIDS: the issues] in 1990, the Government took other initiatives such as funding a residence for women who are HIV-positive or have AIDS, the development of special projects for women in Québec and cultural communities and publication of information and reference brochures.

#### Article 12(2)

413. Québec adopted a new policy on perinatal care in 1993 entitled *Protéger la naissance, soutenir les parents : un engagement collectif* [protecting birth, supporting parents: a collective undertaking], which was based on the *La périnatalité au Québec* [perinatal care in Québec] series published by the Department of Health and Social Services. The policy retains certain objectives of the 1973 policy that were not reached and takes into account new problems that have emerged over the last decade or so. The major areas for action suggested in the policy are based on the conviction that pregnancy, delivery, birth and breast-feeding form a natural physiological process and a multi-dimensional reality and that parents are able to take care of their children, a responsibility they will assume more readily if they feel that they are recognized by society and supported in their role.

414. With financial support from the Department of Health and Social Services, several community organizations working in the field of perinatal care are involved in activities with and provide services to disadvantaged pregnant women, pregnant teenagers or young mothers experiencing difficulty.

415. The *Act respecting the practice of midwifery within the framework of pilot projects*, R.S.Q., c. P-16.1, which became law on June 22, 1990, authorizes experiments in the practice of midwifery in Québec in eight pilot projects. The Act provides for the creation of a Conseil d'évaluation des projets-pilotes [pilot project assessment board], criteria for approving these projects and their contents, including the creation of a multi-disciplinary council, as well as



mechanisms to follow up on and assess the pilot projects. The Act also describes the practice of midwifery and provides for the creation of the Comité d'admission à la pratique des sages-femmes [committee on admission to the practice of midwifery], which must devise criteria governing the competence and training of mid-wives and establish criteria of obstetrical and neo-natal risk. These criteria are contained in two regulations issued by order on August 19, 1992 and March 24, 1993.

416. The Act provides that the Conseil d'évaluation des projects-pilotes must file its report and recommendations in December 1997, nine months before the Act ceases to apply in September 1998.

417. In 1992, the Department of Health and Social Services began consultations concerning a policy document on planned parenthood. The aim of these policies is to promote the making of enlightened and responsible choices in planning parenthood while promoting optimum sexual health. Following the adoption of these policies, each regional board will have to analyse the needs of the public in this regard and establish appropriate criteria and mechanisms for consultation and co-ordination in the organization of health and psycho-social services. Planned parenthood services are an aspect of essential services, from the point of view of women's reproductive health, and are a major means of preventing social and health problems among young persons.

418. Moreover, as far as nutrition during pregnancy and breast-feeding are concerned, the *Regulation respecting Income Security*, S-3.1.1, r. 2, gives income security recipients special benefits of \$40 per month during pregnancy and benefits of \$50 per month for breastfeeding a dependent child of under six months.

#### **Article 13(a)**

419. In 1992, the birth allowance, which had been paid since 1988 and graduated in accordance with the child's birth order, was increased starting with the third child. The allowance, which is paid over a period of five years, was increased from \$7,500 to \$8,000. In the case of adoption, the age limit for entitlement to the birth allowance was increased from two to five years.

#### **Article 13(b)**

420. The participation of women in and the contribution they have made to the world of business has increased substantially over the last few years. Studies have shown that women entrepreneurs face a number of problems, in particular access to various sources of funding and the need to develop networks of contacts. The Federal Business Development Bank, in co-operation with various partners and sponsors, including a number of Québec government departments and agencies, implemented the Step-up Program: Business Expansion Training for Women in the fall of 1992. It includes workshops that provide training on how to make a business grow, offer possibilities of twinning with a female sponsor and the establishment of networks of contacts. Following the success of the pilot project, this program has now entered Phase II and should continue.

#### Article 14

421. In 1990, the Accès à la propriété pour les conjointes et conjoints de 40 ans et plus [access to property for spouses over 40] program was developed and implemented by the Department of Agriculture, Fisheries and Food. It provides for the payment of \$5,000 grants to women farmers who do not hold title to the property in the farming business in which they have worked for several years. The grant is designed to cover the cost of transferring the property to these farmers. The program ended on March 31, 1994 after 437 grants had been paid.

422. In 1992, the Department of Agriculture, Fisheries and Food adopted three-year approaches on the status of women in agriculture which are designed to gain recognition of the professional work done by women farmers, promote the establishment of young women farmers, emphasize human aspects in the management of farming businesses and promote participation by women farmers in rural life.

423. In March 1994, Québec had 26,879 women farmers, 11,234, or 41.8 percent, of whom held title to their property.

#### Article 16(1)

424. Article 392 of the *Civil Code of Québec* states that spouses have the same rights and obligations. Also, article 394 provides that spouses together take in hand the moral and material direction of the family. This principle is also recognized in section 47 of the *Charter of Human Rights and Freedoms*. Article 600 of the *Civil Code of Québec* provides that the father and mother exercise parental authority together, while article 599 adds that they have the rights and duties of custody, supervision and education of their children.

425. Articles 414 to 426 of the Civil Code establish a family patrimony that may be partitioned in the case of separation from bed and board, divorce, annulment or death. It should be noted that the provisions governing the family patrimony facilitate negotiations between spouses when their relationship is discontinued, avoids the undue impoverishment of one of the spouses and has a positive impact on the children.

## APPENDIX 1

### Violence against women

In Québec, community action has played the leading role in ensuring that specific assistance was provided in situations where women were abused. Volunteers from all backgrounds organized to provide the most urgent accommodation, assistance, listening and support services.

As early as 1975, the first Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS) [centre to provide assistance in and to combat cases of sexual assault] and in 1976 the first half-way houses and shelters for women and children appeared.

This community action provided the basis for the government policies, approaches and programs that have since followed.

### Government action

In 1985, the Department of Health and Social Services presented the *Politique d'aide aux femmes violentées* [policy on assistance for abused women]. It was geared to two specific realities: battered women in a marital context and women who were the victims of sexual assault. The main objectives of this policy were to reduce these forms of violence, improve services for victims and contribute to changes in attitude and mentality.

In the following year, the Department of Justice and the Department of the Solicitor General developed the *Politique d'intervention en matière de violence conjugale* [policy on action to be taken in cases of spousal violence]. This policy emphasized the humanization of the judicial treatment of victims and stressed the need for criminal proceedings to be brought with respect to the deeds perpetrated by the spouse. It was also designed to lower the threshold of community tolerance of spousal violence and invited judicial, community and psycho-social resources to work together.

In the spring of 1992, the Department of Health and Social Services adopted the *orientations en matière de programmes d'intervention auprès des conjoints violents* [guide to programs of action with respect to violent spouses]. This guide governs actions to deal with violent spouses in the province and the development of services for them, while confirming the recognition of these resources as an essential component of intervention in this area. In addition, under the guidelines adopted, this intervention must be a continuous and complement the assistance and protection services provided to women and children who are the victims of violence.

An interdepartmental committee providing co-ordination in the area of spousal and family violence was asked by the Government in 1993 to develop a draft *politique concernant la violence conjugale et ses effets sur les enfants* [policy on spousal violence and its effects on children]. This policy, which is expected to be ready in 1995, will bring together the approaches and actions of the various departments and agencies dealing with this problem. In this context, it is proposed that an overall, co-operative, multidisciplinary and preventive



approach be developed in partnership with social, judicial and community groups and organizations.

In December 1993, the Minister of Health and Social Services announced the creation of a task force on sexual assault, which has a mandate to document the problem, draw up a balance sheet of all resources, actions and mechanisms for co-operation, formulate policies and objectives and make appropriate recommendations. This work is designed to produce a plan of action for the Minister of Health and Social Services and his or her partners.

### **Assistance services**

The main community assistance services for victims are as follows:

\* Ten centres d'aide aux victimes d'actes criminels (CAVAC) [centres to assist the victims of criminal offences] welcome, inform and support the victims of criminal offences. If necessary, the persons who work there accompany victims in their dealings with private or public agencies and to court. The CAVAC also steers victims to appropriate legal, medical, social and community resources.

In 1992-1993, the clientele of the CAVACs consisted of 74.9 percent women. These were primarily direct victims (91.4 percent), 23 percent of whom were the victims of spousal violence, 32.9 percent of assault, 28.3 percent of sexual offences and 14.5 percent of threats. Of the women victims, 76.3 percent knew the offender. In most of the cases, the offender was unknown to the male victims (52 percent). Ninety-eight per cent of the victims of crimes involving spousal violence were women.

\* SOS Violence conjugale [SOS spousal violence] is a permanent telephone service that was established for women who were the victims of spousal violence and steers them to appropriate assistance services. It began operations on December 1, 1987. It is a free bilingual service, accessible 24 hours a day, seven days a week, and it uses the same number throughout Québec.

This telephone service is staffed by the Regroupement provincial des maisons d'hébergement et de transition pour femmes victimes de violence [provincial organization of shelters and half-way houses for physically abused women] and funding is provided by the Department of Justice. Between December 1987 and March 1, 1993, the emergency line received 75,133 calls. Two out of three calls came from women who were the victims of abuse by their spouses, who were looking for information or someone to talk to and one out of three involved a request for accommodation.

\* There are also 23 centres providing assistance in cases of and to combat sexual assault and an organization that focuses on women who are the victims of sexual assault. Individual and group meetings are organized to help the victims overcome the consequences of assault. The staff at these centres can also accompany women in their dealings with private and public organizations and to court. These centres generally provide emergency telephone service that is accessible 24 hours a day and 7 days a week.

\* Shelters for physically abused women help these women and their children by providing accommodation, listening and offering assistance, support, information, reference, company and follow-up. They also provide security and confidentiality and enable the women, by providing immediate and appropriate assistance, to come out of their isolation, clarify their situation and make an appropriate decision.

These homes offer services 24 hours a day, seven days a week, and have qualified staff on site. They also co-operate with the various community resources, both by referring cases and by offering the abused women services in addition to those offered by these community facilities.

An initial funding framework for shelters was adopted in 1987 and a second in December 1992. At the present time in Québec, there are 91 homes and shelters and two umbrella organizations.

\* Women's health centres are non-profit organizations that have the following objectives: reducing medical intervention, eliminating sexist approaches in medicine and the health system and enabling women to take greater responsibility for their health in order to provide genuine prevention and a reduction in social costs. There are three women's health centres in Québec and a provincial organization was formed on August 20, 1985. This organization does not receive any grants from government.

\* Women's centres are multi-faceted resources that welcome women who have to assert their own independence in the face of problems that are sometimes very serious such as mental health, violence, poverty, isolation and single parenthood. On August 24, 1989, the Department of Health and Social Services published the first triennial funding plan for women's centres in Québec. The number of centres subsidized by this Department increased from 63 in 1988-1989 to 76 in 1993-1994. There is also an umbrella organization for these women's centres.

\* In 1984, a guide to action with respect to the victims of sexual assault was prepared and it was designed to ensure that victims would be received with respect and appropriate care, to sensitize the staff involved in dealing with these problems, to facilitate dealings with victims, to combat myths and prejudices and to provide the police and doctors with a medical-legal tool to increase the effectiveness of their work in the case of prosecution: the medical-legal kit.

The use of this kit, which makes it possible to take samples for medical and legal purposes that supplement the medical and legal examination, is designed to ensure that the victim and the doctors do not have to testify in court. Because it is a complex instrument, this kit was revised in 1987 to make it easier to use.

## **Information**

In February 1988, the Department of Health and Social Services, the Department of Justice and the Department of the Solicitor General launched a major information and publicity



campaign on the topic of "La violence conjugale, c'est inacceptable!" [spousal violence is unacceptable].

This consciousness-raising campaign formed part of the 1985 *Politique d'aide aux femmes violentées* [policy on assistance for abused women] and the 1986 *Politique d'intervention de violence conjugale* [policy on action with respect to spousal violence]. It was designed to encourage abused women to report the abuse to which they had been subjected and to make use of the judicial system in order to bring home to violent husbands that this system would punish severely the crime they had perpetrated. It was also designed to suggest to victims and violent males concrete means of emerging from the vicious circle of spousal violence.

For six weeks messages on television and radio, in daily and weekly newspapers and on posters and in information brochures formed an integral part of this public relations operation conducted jointly with the regional health and social services boards and the departments of Justice and the Solicitor General.

In order to provide support for the recommendation made by the Committee on the Elimination of Discrimination against Women, the Commission des droits de la personne in 1993 devoted a special issue of its newsletter *Forum Droits et Libertés* to the topic of violence against women and more than 8,000 copies were distributed. In the forty pages of this publication, various aspects of violence against women were considered, in particular, male violence, violence as a violation of the rights and freedoms of women and means of eliminating it, violence as a daily occurrence and sexual harassment. The Bulletin also accentuated the scope of recommendation No. 19 of the Committee by reproducing the passage that stated that violence against women was a form of discrimination that compromised or nullified the enjoyment of their fundamental rights and freedoms.

In a policy document devoted to harassment in housing, which came out in 1993, the Commission stressed the unequal and potentially adversarial character of relations between landlords and tenants, especially the vulnerability of women tenants. The document helped to make it easier to identify harassment and its various manifestations and to make victims more aware of the recourses and remedies that exist to combat such harassment effectively.

In the fall of 1990, the Fédération des ressources d'hébergement pour femmes violentées en difficulté du Québec [federation of housing resources for abused women in difficulty], in co-operation with the Québec Chamber of Notaries adopted an approach to raising community awareness in order to combat violence against women through a media campaign and social activities in a region of the province. In January 1992, the federation also saw the governments join in and its awareness campaign is now geared to all the administrative regions of the province. The Québec Chamber of Notaries, for its part, has again undertaken to conduct the media part of this awareness campaign.

By providing financial support, the various government departments have made it possible to complete and distribute a guide that increases people's awareness of spousal violence and is also an educational tool. This document is distributed in hospitals, local community services centres, assistance services and numerous public places.



**Growth in the Department of Health  
and Social Services (DHSS) Funding  
for service groups**

**Overview of funding for service groups  
provincial development of grants awarded by the DHSS  
(1987 to 1993)**

RESOURCES	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	DIFFER- ENCES 1992-93/ 1993-94
ACCOMMODATION RESOURCES FOR ABUSED WOMEN								
Number:	65+(2regr)	68+(2regr)	76+(2regr)	79+(2regr)	85+(2regr)	85+(2regr)	91+(2regr)*	699 261
Regions:	11	11	11	11	16	16	18	
\$:	9 183 182	12 129 744	13 915 800	14 759 511	15 874 746	19 534 680	20 233 941	+3.6%
PROGRAMS FOR ABUSIVE SPOUSES								
Number:	7	11	11	17	19+(1regr)	23+(1regr)	24+(1regr)	213 801
Regions:	4	6	6	11	11	11	11	
\$:	195 000	230 000	285 000	405 000	620 000	1 004 199	1 218 000	+21.3%
CALACS								
Number:	16+(1regr)	18+(1regr)	19+(1regr)	19+(1regr)	22+(1regr)	22+(1regr)	23+(1regr)	344 308
Regions:	9	10	10	10	13	13	13	
\$:	739 000	889 000	1 065 000	1 061 840	1 224 340	1 421 692	1 766 000	+24.2%
WOMEN'S CENTRES								
Number:	39+(1regr)	62+(1regr)	70+(1regr)	71+(1regr)	74+(1regr)	75+(1regr)	76+(1regr)**	1 186 914
Regions:	11	11	11	11	15	15	16	
\$:	568 400	886 750	1 680 000	2 312 000	2 776 000	2 966 086	4 153 000	+40.0%
HEALTH CENTRES								
Number:	5	3	3	3	3	3	3+(1regr)	47 240
Regions:	4	3	3	3	3	3	3	
\$:	106 000	77 875	102 760	102 760	102 760	102 760	150 000	+46.0%
TOTAL	10 791 888	14 213 369	17 048 560	18 624 111	20 597 846	25 029 417	27 520 941	2 491 524 +10.0%

\* In 1993-94, there were 91 homes and accommodation resources and 2 provincial organizations. Eight resources included here that are not homes as such are subsidized by the DHSS because they provide accommodation as part of specific projects dealing with violence. Two further regions are served: Kativik and the Cree area of James Bay.

\*\* Two women's centres were subsidized in 1993-94 from the discretionary funds of the Minister of Health and Social Services and not from the DHSS budget for community organizations. The total involved was \$70,000.

Table prepared by the Secrétariat à la condition féminine, April 1994.

## APPENDIX 2

### Growth in the number of women elected as mayors and councillors in Québec municipalities

Year	Mayoresses		Councillors	
	Elected	%	Number elected	%
1990	97	6.6	1622	17.7
1991	112	7.5	1701	18.3
1992	114	7.9	1703	18.7
1993	125	8.6	1730	19.2

Data provided by the Department of Municipal Affairs, December 1993.

Table prepared by the Secrétariat à la condition féminine, April 1994.

### APPENDIX 3

#### Distribution of senior management in the Québec Public Service\* by employment category and sex, March 1991 to March 1993

YEAR AND EMPLOYMENT CATEGORY	MEN NUMBER	%	WOMEN NUMBER	%	TOTAL NUMBER	%
1991 (1)						
Deputy Minister	27	93.1	2	6.9	29	100.0
Associate Deputy Minister	31	88.6	4	11.4	35	100.0
Assistant Deputy Minister	86	88.7	11	11.3	97	100.0
Director of agency	56	82.4	12	17.6	68	100.0
Member of senior management	253	73.8	90	26.2	343	100.0
Total	453	79.2	119	20.8	572	100.0
1992 (2)						
Deputy Minister	36	83.7	7	16.3	43	100.0
Associate Deputy Minister	26	92.9	2	7.1	28	100.0
Assistant Deputy Minister	85	89.5	10	10.5	95	100.0
Director of agency	53	80.3	13	19.7	66	100.0
Member of senior management	248	72.5	94	27.5	342	100.0
Total	448	78.0	126	22.0	574	100.0
1993 (3)						
Deputy Minister	39	86.7	6	13.3	45	100.0
Associate Deputy Minister	33	89.2	4	10.8	37	100.0
Assistant Deputy Minister	87	87.0	13	13.0	100	100.0
Director of agency	56	81.2	13	18.8	69	100.0
Member of senior management	244	72.2	94	27.8	338	100.0
Total	459	77.9	130	22.1	589	100.0

\* Includes both staff that is subject and staff that is not subject to the *Public Service Act*.

Sources :

- (1) Office des ressources humaines, Portrait statistique de l'effectif régulier de la fonction publique du Québec, 1991, p. 224.
- (2) Office des ressources humaines, Portrait statistique de l'effectif régulier et occasionnel de la fonction publique du Québec, 1992, p. 150.
- (3) Office des ressources humaines, Unpublished data.

Table prepared by the Secrétariat à la condition féminine, April 1994.



## APPENDIX 4

### Representation of women in the judiciary

Municipal Courts			
As of March 31	Total number of judges	Total number of women	%
1990	100	2	2.0
1991	91	2	2.2
1992	83	2	2.4
1993	94	4	4.3
1994	97	6	6.2

Court of Québec			
As of March 31	Total number of judges	Total number of women	%
1990	285	21	7.4
1991	290	29	10.0
1992	290	33	11.4
1993	290	36	12.4
1994	290	37	12.8

Superior Court			
As of March 31	Total number of judges	Total number of women	%
1990	143	11	7.7
1991	143	14	9.8
1992	143	15	10.5
1993	143	16	11.2
1994	143	17	11.9

Court of Appeal			
As of March 31	Total number of judges	Total number of women	%
1990	19	3	15.8
1991	19	3	15.8
1992	20	3	15.0
1993	20	4	20.0
1994	20	5	25.0

Data provided by the Department of Justice, April 1994.

Table prepared by the Secrétariat à la condition féminine, April 1994.

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## 6. ONTARIO

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### Introduction

426. This document summarizes and updates the measures that the Province of Ontario has taken since the third report up to March 31, 1994 with respect to provincial policies, legislation and programs relevant to the articles of the *Convention on the Elimination of All Forms of Discrimination against Women*.

### Articles 2 and 3: Equality

#### Ontario Human Rights Commission

427. The Ontario Human Rights Commission administers and enforces the Ontario *Human Rights Code*. The purpose of the Code is to eliminate discrimination in all forms and to provide for the equal rights and opportunities of every person in Ontario.

428. The Commission is implementing a series of eight organizational improvement mechanisms which are intended to effect tangible reforms in the way the Commission's work is conducted. Specifically, the Commission is: implementing a quality and quantity assurance system; establishing a coherent customer service program; streamlining and enhancing enforcement procedures; using technology to become more efficient and productive; creating a lean organizational structure; defining and preserving clear standards of accountability; supporting all staff through relevant training and development; and acting to ensure organizational health, including the use of sound anti-racism principles.

429. The Commission's Public Policy and Education Branch has developed a policy on sexual harassment and gender-related comments and jokes which is now being implemented.

#### Ontario Women's Directorate

430. The Ontario Women's Directorate is the central advocacy agency for women within the provincial government. The Directorate works to enable the government to achieve its commitment to economic, social and legal equality for all women in Ontario. The Directorate has continued to fulfil its mandate since its founding in 1983, and now has 80 employees and an annual budget of \$22.6 million.

431. The Community Grants Program has an allocation of \$750,000. Funds are targeted for time-limited projects which address the prevention of violence against women, economic equity, workplace discrimination, educational equity and training, and the balance between paid work and family. The criteria also focus on the needs of immigrant, racial minority, Aboriginal, elderly, disabled, rural, francophone, lesbian and young women. In addition, the Wife Assault Public Education Grants Program, with an allocation of \$197,000 and the Sexual Assault Public Education Grants Program, with an allocation of \$174,000, distribute funds to

community groups for local public education on sexual assault and wife assault issues and are administered on the basis of fair regional distribution.

432. In 1993, a \$1 million stabilization program was established for 20 women's centres to ensure their continued service and advocacy for Ontario.

433. The Directorate also implements and administers the Change Agent program. This program is designed to encourage innovative projects in the private sector which influence implementation of education and training equity, community economic development initiatives, balancing of work and family responsibilities, and reduction of workplace harassment.

434. The Directorate co-ordinates the Wife Assault and Sexual Assault Prevention Initiatives. Since the third report, the Directorate has been working with ministries and with input from community groups to integrate these initiatives into a comprehensive Violence Against Women Prevention Strategy.

#### Ontario Advisory Council on Women's Issues

435. The Ontario Advisory Council on Women's Issues advises government on matters relating to the status of women in Ontario. The Council is an independent arms-length organization that advises on government directions and policies.

436. Since 1993, members of the Council have been chosen by a community nomination process. By opening the process to input from women's groups, the Council recently welcomed 15 new members who represent the diversity of women and women's interests in Ontario.

#### Women who face multiple forms of discrimination

437. The Government of Ontario has enacted legislation and implemented programs to foster the equality of women who face multiple forms of discrimination. Outlined below are some of the specific policies and programs aimed at assisting these women. See also Article 4.1 with respect to employment equity.

##### (a) Women with disabilities and senior women

438. The *Advocacy Act, 1992*, proclaimed in force on April 3, 1995, helps all vulnerable people to exercise their fundamental rights, including the right to seek change in the way that services are delivered. An Advocacy Commission, controlled by the disabled persons and seniors communities will design and administer the system. This Act is part of larger legislation aimed to protect adults with disabilities from abuse and neglect.

439. The Office for Disability Issues of the Ministry of Citizenship and the Ontario Women's Directorate provide \$285,000 through the community action fund to improve accessibility of services for women with disabilities who are victims of abuse.



440. In 1993, the Government of Ontario, in partnership with the Disabled Women's Network of Toronto, conducted a needs assessment related to wife assault of women with disabilities. The report was issued in April, 1993.

441. The Seniors Issue Group of the Ministry of Citizenship and the Ontario Women's Directorate recently published a research feasibility study on the issue of sexual assault of senior women. Elder abuse is an issue that affects women disproportionately. The Ministry has addressed this issue through community research and policy initiatives.

442. An Access Fund has been developed by the Ministry of Citizenship to increase physical accessibility by persons with disabilities and seniors to existing community room meetings and public facilities, including the provision of alternative formats such as brailers, telephone devices for the deaf (TDD's) and scanners. Approximately \$200,000 was granted from the fund to 12 women's organizations from January 1991 to the end of the fiscal year 1993.

(b) Aboriginal women

443. The Government of Ontario has worked to fulfil its commitment to develop an Aboriginal family violence prevention and health promotion strategy. The Government launched an Aboriginal Healing and Wellness Strategy in 1994, in partnership with representatives of major Aboriginal organizations. The Strategy addresses the serious problems of family violence in Aboriginal communities and will improve access by Aboriginal persons to health care. \$33.3 million in ongoing funding and \$16 million in one-time capital has been allocated to fund this strategy over the next 5 years.

444. The Ontario Native Affairs Secretariat provides funding to the Ontario Native Women's Association for projects for Aboriginal women. In 1991-92, funds were provided for the Aboriginal Women's Self-Government Resource Centre (\$240,000) and Environment Conference (\$10,000). The Secretariat continues to support the implementation of the Statement of Political Relationship between the province and Aboriginal Nations (\$125,000 per year).

(c) Lesbian women

445. Since 1992, the Government of Ontario has provided employee benefits to same sex partners of employees in the Ontario public service.

446. The Government of Ontario introduced legislation which would have granted same-sex couples equal rights, benefits and obligations as heterosexual common-law couples. However, the proposed legislation was narrowly defeated by a vote of the Legislature.

(d) Immigrant and visible minority women

447. See also responses to article 12.

448. The Ontario Anti-Racism Secretariat of the Ministry of Citizenship has worked to build the capacity and increase the self-sufficiency of a number of women's organizations focused on anti-discrimination activity by providing operating funding during the last two fiscal years. In 1992-93, a total of \$115,000 was allocated and in 1993-94 a total of \$129,000 was provided.

449. In 1992, the Ministry of Citizenship announced funding of \$1.2 million for seven Cultural Interpreter Services for 1992-93. These services support non-English speaking women, particularly those who are victims of violence, and assist them in getting necessary shelter, social, legal and medical support services.

450. In 1992, the Riverdale Immigrant Women's Centre received \$106,785 to continue providing settlement and integration services, as well as English as a second language programs, to South Asian and Chinese speaking women and their families. New Experiences for Refugees Women in Toronto received \$53,010 to continue providing similar services to refugee women from Latin American countries.

#### **Article 4.1: De facto equality**

##### Employment equity

451. In December 1993, the *Employment Equity Act* received third reading; it came into force on September 1, 1994. The Act legislates employment equity for four designated groups — women, Aboriginal persons, racial minorities and persons with disabilities. These groups were found to be disadvantaged in the workplace and to have faced barriers, many embedded in workplace policies and procedures, that denied them equal opportunity.

452. The Act covers over 75 percent of Ontario's workers and includes the Ontario Public Service, broader public sector employers with 10 or more employees (i.e. publicly funded employers such as municipalities, hospitals, school boards, universities and social agencies) and private sector workplaces with 50 or more employees.

453. Under the Act, employers will survey their workforce to determine representation of designated group members; review their workplace policies and practices to identify barriers faced by the disadvantaged groups and develop an employment equity plan to eliminate the barriers and to initiate measures to overcome the disadvantages faced by members of the designated groups. Where workers are unionized, their representatives will have joint responsibility for developing these steps, while non-unionized workers must be consulted by their employers during the process.

454. The public and stakeholder consultation process was initiated in 1991, with the Minister of Citizenship's appointment of a Commissioner to carry out a public consultation on employment equity. The Employment Equity Commissioner received over 400 submissions and prepared a report, *Opening Doors*. Public and stakeholder consultation continued as the legislation was moved through three readings in Ontario's legislature and throughout the development of regulations.



455. The Act establishes an Employment Equity Commission to administer and monitor the legislation. The Commission will provide guidance, information and data to support the implementation of employment equity. Disputes about compliance and complaints of non-compliance will be mediated or decided by the Employment Equity Tribunal.

456. Between 1984 and 1992, the Ontario Government provided \$16.6 million in the form of the Employment Equity Incentive Fund to encourage the development and implementation of employment equity funds in the broader public sector. The Fund provided financial assistance, on a cost-sharing basis with recipients, to conduct needs assessments, hire employment equity co-ordinators for program development and implementation, and carry out special projects. By 1992, a total of 401 organizations had received funding: 148 of a total of 183 school boards; 30 of 101 large companies; 23 of 23 colleges; 18 of 18 universities; and 182 of 223 hospitals with more than 100 beds. Prior to the Fund, only 19 public sector organizations had implemented employment equity initiatives for women.

457. The Government of Ontario has conducted a Government-wide Employment Systems Review to identify and remove systemic barriers in employment. Ministries have been implementing plans to make the government's workforce more representative of Ontario's community, especially in occupational groups where women are underrepresented.

458. The *Employment Equity Plans Regulation* of the *Police Services Act* requires Ontario's Police forces to establish mandatory employment equity policies, programs and timetables for designated groups, including women. As of 1994, at the entrance level in the Ontario Provincial Police Force, women represented 50 percent of the intake.

459. Since 1990, school boards have been required to develop and implement policies and programs to increase the representation of women in positions of principal, vice-principal and supervisory officer to at least 50 percent by the year 2000.

#### **Article 5: Sex-role stereotyping and family education**

460. See also responses to articles 2, 3, 10 and 12.

461. The Government of Ontario is committed to eliminating violence against women. In 1994, the Government of Ontario co-ordinated spending of over \$99 million for programs and services ranging from shelters and sexual assault centres to improvements in the justice system and public education campaigns through the Violence Against Women Prevention Strategy.

462. December 6 has been proclaimed as a Provincial Day of Remembrance and Action on Violence Against Women. Sexual Assault Prevention Month is observed every May. The May 1992 campaign was the first in Canada to focus on the issue of consent. The campaign featured dramatic television ads shown during sports programs, as well as candid radio ads which targeted teenagers.

463. The Ministry of Education and Training funds a number of projects and initiatives related to reducing the incidence of all forms of violence against women and girls. These



include in-service training for school board staff, curriculum development on wife assault and sexual assault, and date rape prevention projects. Public education materials are now published in 28 different languages, including many Aboriginal languages. In 1992, the Ministry launched eight pilot projects to help children who witness the assault of their mothers. In-school workers provide counselling, promote family violence prevention activities and liaise with agencies to create a support network for students.

464. In 1992, the former Ministry of Colleges and Universities (now part of the Ministry of Education and Training) announced a year-long consultation with the college and university community and others, to implement a policy against harassment and discrimination on Ontario campuses. In 1991, the Ministry announced \$1.45 million a year to make Ontario campuses safer for women.

465. The Ministry of Community and Social Services, through its "Better Beginnings Better Futures" initiative, funds a number of prevention demonstration projects to reduce the risks to children living in economically disadvantaged communities. These projects are based on a community development process which empowers women. The Ministry's spending on services to eliminate violence against women has increased by 39 percent since the last report. These services are intended to provide protection to victims of violence and to reduce the incidence of violence against women through counselling of the victims and children, public education and prevention strategies. The Government also supports "Batterers" programs to reduce recidivism against women.

466. The Ministry of the Solicitor General and Correctional Services funds 26 Rape Crisis Centres throughout Ontario, with seven more under development, including four francophone Centres. The Centres provide comprehensive services to women including 24 hour crisis intervention and support; hospital, police and court accompaniment; public and professional education; short and long-term group and individual counselling; information and referral services; diverse community outreach; and other services to urban and rural areas.

467. In January 1994, the Ministry released the Standards on Police Response to Wife Assault which provide guidelines for all Ontario police forces to respond to suspected cases of wife assault. The Standards were based on a model protocol that was developed after community consultations in 1992. To assist in providing in-service training for police on wife-assault, the Oxford Project: A Crisis Intervention Manual for Police Trainers was developed which supports the implementation of the standards.

468. Police training at the Ontario Police College also includes components on wife assault, sexual assault and gender sensitivity. The Ministry has developed and implemented training for correctional staff on wife abuse and the impact of sexual assault on female offenders. Staff training programs are currently being reviewed to ensure that the curriculum promotes an understanding of gender equality.

469. In 1991, the Ministry of Northern Development and Mines provided funds for a number of programs aimed at preventing wife assault and sexual assault in Northern Ontario, and assisting survivors of such assaults. These included \$360,000 in operating funds for a

program to train sexual assault workers, \$1,084,000 capital funding for two women's shelters in Thunder Bay, a fund to assist survivors of sexual assault and wife assault in Northern Ontario by improving the accessibility of outreach and self-help programs, and in 1992, a \$35,000 grant for "Le Collectif des femmes francophones du nord-est ontarien" to host a conference in Sudbury to foster autonomy and equality for women. The Ministry also administered two programs that provide grants to assist survivors of sexual assault and wife assault.

470. The Office of Francophone Affairs reviews all Government policy proposals to ensure that the particular needs of francophone women, especially those living in Northern and rural Ontario, have been taken into account and has been involved in several interministerial initiatives which have significant implications for francophone women. The Office administers a Community Support Fund which provides grants to francophone groups, including women's groups and groups which serve women. Many of these groups work to prevent violence against women and to improve the health and economic status of francophone women.

#### **Article 7: Political and public life**

471. Amendments to the *Courts of Justice Act*, which were introduced in 1993 and came into force on February 28, 1995, made the Judicial Appointments Advisory Committee permanent. The Committee develops criteria for the selection of appointments to the Provincial Court and seeks candidates who will reflect the diversity of Ontario's population. Five of the ten Committee members are women.

472. When the Committee began to operate in 1988, only 4 percent of provincial judges were women. As a result of the Committee's recommendations, 93 judicial appointments have been made, 39 of which (42 percent) were women appointed between November 1990 and December 1993. Almost 30 percent of applicants were women. As of 1994, 45 of 260 Ontario Court (Provincial Division) judges are women.

473. Ontario's Legislative Assembly consists of 130 members, 27 of which are women. Of 27 cabinet ministers, 8 are women.

474. In 1993 and in 1994, 44 percent of school board trustees were women, a 5 percent increase since 1990.

475. The position of deputy minister is the highest position level an employee can reach in the Ontario Public Service. In 1994, nine of 25 deputy ministers are women and 45 out of 91 assistant deputy ministers are women.

476. In 1991 and 1992, 176 new postsecondary school graduates were hired under a special initiative as interns into the Ontario Public Service. Of those hired, 129 (73 percent) were women.

477. In 1991, 2,976 of 13,890 (21.4 percent) full-year, full-time university faculty were women. This represents a 1.2 percent increase over the 1989-90 figures.



478. One half of all new Crown Attorney appointees in Ontario are women.

### **Article 10: Education**

479. See also responses to articles 5, 7, 11.1(b) and 11.1(c).

480. The Ontario Government continues to develop programs to ensure equal opportunity for women in all areas of education, especially in non-traditional fields.

481. The Ontario Women's Directorate has co-sponsored an international Gender Science and Technology Conference and, in conjunction with the Canadian Teachers' Federation, has produced a book to address how cultural and gender bias affects the academic choices and performance of female students in science and in school.

482. The Directorate has been instrumental in developing community-based role-modelling programs and it supports education equity through the development and distribution of resource materials for teachers and students. To counter sex-role stereotyping, the Directorate has produced a guide which encourages young women to consider a full range of career options.

483. The former Ministry of Colleges and Universities (now part of the Ministry of Education and Training) published and distributed two background documents on the status of women in postsecondary institutions: *Status of Women in Ontario Universities: Final Report* (two volumes) and *Status of Women in Ontario Universities: 1990-1991*.

484. The Ministry of Education and Training is piloting a project to improve the climate for women studying in trades and technology at colleges of applied arts and technology and has completed a project involving 12 universities to improve conditions for women in engineering studies. The Ministry has supported a number of projects that developed audiovisual and print materials addressing the uneasiness many women experience at colleges and universities.

485. The Ministry supports a number of women in apprenticeship programs including counselling and outreach, programs for increased enrolment to address the fact that women comprise almost 50 percent of the workforce but only 5 percent of apprenticeships, and special outreach to encourage grade 11 female students to consider apprenticeship training. The Ontario Training and Adjustment Board which oversees broad training and re-employment strategies emphasizes the full and effective participation of disadvantaged and underrepresented groups, including women, in labour force development programs and services.

486. The Ministry is a member of the Ontario Committee on Trades, Technology and Operations Occupations for Women, a province-wide committee under the aegis of the community college system.

487. The Ministry has developed a gender equity support document "Engendering Equity" to help primary and secondary schools address gender issues. It is currently being validated.



488. The Ministry also provides child-care bursaries under the Ontario Student Assistance Plan to assist students with child care costs while they attend college or university and has increased the amount of funds available for student loans.

489. As of 1993, 56 percent of all undergraduate students in Ontario were women.

490. Since the last report, the Ministry of Northern Development and Mines has provided funding to various organizations to promote education for women, including a grant to Laurentian University for the development of a midwifery program, and a program designed to expose grade eight students, especially females, to science, engineering and technology.

### **Article 11: Employment**

491. See also responses to articles 2, 3 and 4.1.

492. In 1993, 59.5 percent of women over age 15 were in the labour force. They constituted 45.6 percent of Ontario's total labour force. Women accounted for 63 percent of labour force growth from 1981 to 1993.

493. In 1993, Ontario women who worked full-year, full-time, earned on average 71.9 percent as much as men who worked the same time: a 7 percent increase from the 1988 figures. Almost 75 percent of Ontario's working women are employed full-year, full-time.

#### **Article 11.1(a): The right to work**

494. See also responses to article 4.1.

495. The Government of Ontario believes that public policy and workplace practices must reflect the realities of work and family life and encourage workplaces in which the integration of work and family life is seen as beneficial to employers and employees. Various measures have been adopted throughout government, such as job-sharing and allowing women to work flexible hours to accommodate child care arrangements.

496. The Ontario Women's Directorate has developed materials to help Ontarians to balance work and family responsibilities and has helped to develop workplace policies through co-operative projects with unions, community groups, research institutions, advocacy groups and employers.

497. In 1994, the Directorate organized a three-day national symposium entitled "Families and The Economy: New Partnerships, New Strategies" in support of the United Nations International Year of the Family. Community advocates, practitioners, social, economic and public policy planners, trade unionists and employers worked jointly in this forum to develop collaborative strategies to reconcile and support work and family demands. The proposed actions resulting from the symposium for the various stakeholder sectors will be made available in a call for action paper.

498. Amendments to the Ontario *Labour Relations Act*, in force in 1993, make union organization easier and more effective, reduce conflict on picket lines, simplify the collective bargaining process and promote greater co-operation and partnership between employees and employers. Domestic workers are now able to organize, and part-time employees (largely women) can join the same bargaining unit as full-time employees. It is expected that women's working conditions will improve as more women become unionized.

499. In 1992, the Ontario Women's Directorate provided \$85,000 to fund a project on domestic workers and industrial homeworkers. The project provides information and education for workers who do some form of piecework in their homes. In 1993, the Government announced changes to the *Employment Standards Act* to protect wages and working-conditions for homeworkers.

#### **Article 11.1(b) and 1(c): Employment opportunities — training**

500. See also responses to articles 4.1 and 10.

501. The Ministry of Skills Development had developed creative projects to introduce young women to non-traditional trades through SKILLS OK. The Ministry has also developed programs to achieve equity goals in apprenticeship.

502. JobsOntario Training is a training and employment program, with a child care component, designed for social assistance recipients and other unemployed persons who are ineligible for unemployment insurance. By the end of 1994, more than 60,000 jobs have been created for unemployed people in Ontario. More than 24,000 employers are participating in the program. This program has helped save Ontario taxpayers more than \$200 million in social assistance costs since its inception.

503. The Ministry of Industry, Trade and Technology, in co-operation with the Federal Business Development Bank launched STEP UP, a mentoring program for business women. Small business women are paired up with owners of larger businesses who act as mentors.

504. The Ministry of Northern Development and Mines administers a \$4.6 million Northern Training Opportunities Program which encourages employers to hire students or graduates who represent one or more of the equity groups, one of which is women.

505. In addition, the Ministry has provided grants to initiatives which included \$125,000 to the Women in Community Economic Development initiative, which subsidized wages of women interns who were paired with a mentor involved in community economic development, as well as initiatives that provided entrepreneurship training and business start-up support for francophone women and youth and public education to assist women in business.

### **Article 11.1(d): Equal remuneration**

506. On June 28, 1993, the legislature of Ontario passed amendments to the *Pay Equity Act*, implementing recommendations made in the 1989 Report of the Pay Equity Office entitled *Methods of Achieving Pay Equity in Sectors of the Economy that are Predominantly Female*. These amendments, which came into effect on July 1, 1993, will enable an additional 420,000 workers in female job classes to achieve pay equity.

507. The amendments established two new methods of job comparison: proportional value comparisons and proxy comparisons. These methods complement the job-to-job comparison enacted in the existing Act. Both new methods, like the job-to-job comparison method, require gender-neutral comparison of skill, effort and responsibility and working conditions between male and female job classes. The new methods are available where there is an insufficient number of equal or comparably valued male job classes to make direct comparisons with female job classes using the job-to-job method.

508. The Act continues to require employers to pay any necessary adjustments at a rate of one percent of payroll per year until pay equity is achieved, except for public sector employers using job-to-job or proportional value comparisons who must achieve pay equity by January 1, 1998.

509. The Government of Ontario has publicly affirmed its commitment to assist public sector employers with the cost of achieving pay equity. It anticipates that by the time pay equity is fully achieved, it will contribute \$1 billion annually to pay equity adjustment costs. In 1994, the Government is spending \$568 million to increase wages in some of the lowest paid women's jobs, like child care and shelter workers.

510. The Pay Equity Downpayment Program was introduced in 1993. It provides a "downpayment" or advance on pay equity adjustments using the proxy comparison method. The program is targeted to reach some of the lowest-paid female workers in the broader public sector.

511. The Pay Equity Commission continues to assist employers, employees and bargaining agents with implementing and resolving disputes concerning pay equity. The Commission has two parts: The Pay Equity Office and the Pay Equity Hearings Tribunal.

512. The Pay Equity Advocacy and Legal Services Clinic provides free legal information, advocacy and advice, primarily to unorganized women, regarding pay equity. The Clinic also offers public education and outreach.

### **Article 11.1(e): Pensions and income support**

513. A Fair Tax Commission was established to review a broad range of tax issues including women and taxation and low-income issues. The report was completed in December 1993. The provincial taxes of low income Ontarians, many of whom are single mothers, were reduced or eliminated for the 1991 taxation year.



514. The Ministry of Community and Social Services has implemented strategies to eliminate inequities in the treatment of people who seek social assistance services. The Ministry grants social assistance for three months or more to battered women who have fled home and who are in need; it has removed the waiting period before single parents (primarily women) become eligible for family benefits; and has it revised the calculation of the deduction for child care expenses under the Supports to Employment Program to ensure that the full value of the deduction is realized.

#### **Article 11.1(f): Working conditions**

515. See also responses to articles 2 and 3.

516. Since the last report, the minimum wage in Ontario has increased from \$5.40 to \$6.70 an hour (the highest in North America). This has had a significant impact on the livelihood of many women as 61 percent of Ontario minimum wage earners are women.

517. Policies protecting women from discrimination in the Ontario Public Service have been in effect since 1985. In 1991, the Government of Ontario initiated a comprehensive Workplace Harassment and Discrimination Policy to protect all government employees from harassment and discrimination by co-workers. The program established procedures for redressing discrimination and harassment against women as well as other designated groups. The Government also provides extensive training to staff on workplace discrimination and harassment prevention.

#### **Article 11.2(a) and 2(b): Maternity, pregnancy and paternal leave**

518. See also responses to article 11.1(a).

519. The Government of Ontario enhanced pregnancy and paternal leave in 1991. The legislation now gives mothers a right to take up to 35 weeks of unpaid leave, and fathers the right to take up to 18 weeks of unpaid leave, with the right to return to their jobs. The legislation also applies to adoptive parents. All employees are entitled to pregnancy or paternal leave after being employed for 13 weeks, as opposed to 52 weeks previously.

520. A monetary supplement for parental leave, available to both women and men, has been introduced for employees in the Ontario Public Service.

#### **Article 11.2(c): Child care**

521. See also responses to article 11.1(a).

522. Public consultations were carried out on Ontario's Child Care Reform legislation in 1992. The Government is working to provide affordable yet flexible services, to support more parent participation, to provide options for funding, standards, licensing, and service planning, and to promote quality care by improving training and salaries.

523. Since the last report, the Government of Ontario has increased provincial funding for child care by 49 percent, to \$544.6 million. Wage subsidy funding to child care staff has increased by 85 percent since 1991 to \$114 million per year.

524. The Minister of Community and Social Services announced \$5 million in capital funding to create 400 child care spaces on Indian reserves, non-profit child-care centres in Ontario receive an extra \$2,000 for each staff member from the Government. This increases the pay of caregivers (most of whom are women) while maintaining affordability for families. The Government of Ontario encourages the conversion of private commercial centres to parent-controlled, non-profit boards. Over 300 centres are expected to be converted over the next five years.

525. All new job creation programs must now include a child care component. The jobsOntario Training Fund has provided 10,000 new child care spaces for participants (a 20 percent increase in the number of subsidized spaces) and has made a \$44 million commitment to build 2,500 more. Funds have also been set aside to construct and repair child care centres.

526. In 1991, the Ministry of Northern Development and Mines provided \$5,284,000 capital funding for renovations and construction of child care centres throughout Northern Ontario. In addition, \$225,000 was spent to operate a program to train child care workers.

## **Article 12: Health**

527. See also responses to articles 2, 3 and 5.

528. The Ontario Women's Directorate co-ordinates the Female Genital Mutilation Task Force which is co-chaired by government and community representatives. The mandate of the Task Force is to develop and implement policies to eradicate the practice of female genital mutilation and to promote community development initiatives to support women and girls affected by the practice.

529. In *Attorney General of Ontario v. Dieleman et al.*, the Ontario Court (General Division) granted an interlocutory injunction which prevents harassment and intimidation of abortion patients and providers and their families at certain doctors' homes and offices, and at three abortion clinics in Ontario. The Attorney General is bringing the action for a permanent injunction and damages in the public interest to protect the safety and privacy of patients and providers and to ensure continuing access to abortion services.

530. The *Independent Health Facilities Act* licenses free standing women's clinics which provide for the delivery of therapeutic abortions. In February 1994, the establishment of a new free-standing clinic in Ottawa was announced, as was a program to train physicians in the delivery of abortion services, funded by the Ministry of Health. The Government also provides full funding for 5 free-standing abortion clinics, including \$420,000 over the last two years to improve security. Amendments have been made to the Northern Health Travel Grants Program to help cover abortion-related costs for women in remote areas.

531. The *Regulated Health Professions Act* was proclaimed in December 1993, making Ontario the first province in Canada to have registered midwives. The legislation is also historic as it recognizes traditional Aboriginal midwifery. Three Ontario institutions began to offer the first year of a four-year midwifery program, in September 1993. Three communities, Toronto, Sudbury and St. Jacob's, will have out-of-hospital birthing centres, the first of which is expected to be licensed by December 1994. In addition, the Ministry of Health and Nee-Gan O'Chee Community Services Inc. will be exploring how to meet the birthing needs of Fort Albany, a mainly Aboriginal community on James Bay.

532. The *Regulated Health Professions Amendment Act* was also proclaimed in December 1993. The purpose of this important health legislation is to eradicate sexual abuse of patients, often women and children, by members of regulated health professions. The legislation provides for funding for therapy and counselling of patients who have been sexually abused and requires mandatory reporting of sexual abuse of patients by regulated health professionals.

533. In July 1991, the Ministry of Health released a report entitled *Cesarean Birth: A Quality Assurance Program to Increase the Appropriate Use of Cesarean Birth*. An advisory group of the Ontario Medical Association/Ministry of Health Joint Management Committee, together with the Institute of Clinical Evaluation Sciences is developing a quality assurance program to reduce the inappropriate use of cesarean sections. The rate of cesarean sections in Ontario has dropped from 20.2 percent in 1989 to 18 percent in 1992-93.

534. In 1994, the Women's Health Bureau began to work with an advisory group of physicians, advocates and consumers to develop a patient education program for women on menopause.

535. Following the release by the federal government of the Final Report of the Royal Commission on New Reproductive Technologies in November 1993, the Ontario Government has re-established an Interministerial Committee on New Reproductive Technologies to review the recommendations of the Commission's Report and prepare a Government policy response.

536. In 1993, a Women's Mental Health Working Group was established. The mandate of the group is to ensure that women's mental health concerns are addressed in the implementation phase of the Mental Health Reform and to develop guidelines on women's mental health needs for the District Health Council's regional planning initiatives.

537. As announced in the third report, the Ontario Government has launched an initiative to address the issue of sexual assault of women. The Government now provides funding to 39 counselling services for adult women who are survivors of sexual assault and to Sexual Assault Treatment Centres in 27 hospitals and 12 satellite sites across the province. The Wife Assault and Sexual Assault Grants Program for the Education of Health Care Professionals provides money to help health care professionals treat survivors of wife assault and sexual assault.

538. In 1992, the Government of Ontario announced \$900,000 in funding for 82 new programs to sensitize health professionals to the needs of battered and sexually assaulted



women. Funded projects included workshops focusing on the special needs of lesbian, rural, minority, immigrant, and Aboriginal women.

539. As part of a comprehensive strategy to address the health needs of refugee women, immigrant women and women of colour, the Ministry of Health established a grants program in 1993-1994. A fund of more than \$650,000 is available for community-developed and community-delivered projects to eliminate barriers to access in the health-care system.

540. The Ministry of Health, the Ontario Hospital Association and the Ontario Anti-Racism Secretariat are developing a model for anti-racism organizational change to be used in Ontario hospitals. Self-assessment, communication and education tools and prototype policies and procedures will be developed as part of this project. This will benefit the largely female workforce in the health system as well as patients.

541. Since the last report, the Ministry of Northern Development and Mines has provided grants to various women's health organizations, including a \$50,000 grant to the Ontario Native Women's Association in 1992, for a feasibility study concerning the development of a Healing Lodge in Thunder Bay.

### **Article 13: Family benefits, credits and sports**

542. See also responses to articles 5 and 16.

543. In 1994, the Ministry of Culture, Tourism and Recreation introduced a provincial policy entitled "Full and Fair Access for Women and Girls in Sport and Physical Activity". The policy and its implementation steps are designed to provide women and girls in Ontario a full range of opportunities to participate, compete and lead in the field of sport and physical recreation.

544. In keeping with this policy, the Ministry has altered its funding for local government and community recreation projects to allow for increased funding for projects intended to benefit women and girls. In addition, this program will be altered to make recreation-related anti-sexual harassment initiatives of local government and community not-for-profit organizations eligible for government funding. Provincial sport and recreation organizations will also be encouraged to submit plans in support of this policy, with their annual funding applications. Two guidebooks, entitled "Walking the Talk" and "Level the Playing Field", will be distributed to sport and recreation leaders throughout the province of Ontario, to help address gender issues.

545. In relation to accommodation, the Government of Ontario is committed to providing non-profit housing to people who need it most, such as single mothers and women who have recently left a violent relationship. The Ministry of Housing has worked closely with the Ontario Housing Corporation to increase community economic development projects for its residents. Many of the residents in Ontario Housing Corporation units are single mothers. Among the projects being explored are building management/administration, business support

programs (e.g. typing, data entry, delivery of services, teaching adult remedial literacy and numeracy, food co-operative, food catering, and child care and day care services).

546. The Ministry has implemented a policy to give specific priority for government subsidized housing to women who have been assaulted or threatened by an abusive partner. The policy recognizes that women in this situation urgently need safe and affordable housing.

547. The Ministry has worked closely with stakeholders in the arts and business communities to develop a package of possible changes to the Ontario Building Code that would make it easier to run a business from a live/work setting. These proposed changes are expected to form part of the next Ontario Building Code amendments.

548. Under the jobsOntario Housing program, 20,000 new homes are to be created. Legislation also allows homeowners to create an apartment in each of their houses as long as they meet all necessary safety standards. This legislation will increase the supply of affordable housing.

#### **Article 14: Rural women**

549. See also responses to articles 2, 3, 5, 11.2(c) and 12.

550. In 1992, the Government of Ontario committed \$1.1 million to stabilize the funding of 56 Community Information Centres throughout the province. These Centres are grass-roots organizations that provide information and referrals. It is estimated that more than one third of all Ontario women use these services.

551. The Ministry of Agriculture and Food and Rural Affairs works closely with farm and rural women to address their needs and to supply funding for programs. This is done predominantly through two provincial organizations: Ontario Farm Women's Network and Federated Women's Institutes of Ontario. Examples of initiatives funded include a provincial meeting which explored ways to build support for community action around the issue of rural domestic violence; a provincial conference which addressed rural child care; a weekend seminar on human resources which examined the contribution of all family members and effective communication; and a provincial conference for women and economic development which resulted in a number of pilot projects to set up regional networks and to provide training programs for women and rural entrepreneurs.

552. The Ministry's 1991 Enhanced Counselling Emergency Program provided one-time assistance to rural organizations to provide farm families with counselling and support services. The 1993 Enhanced Professional Counselling program provided stress counselling to farm families in financial difficulties.

553. The Ministry has produced a video entitled *Above Suspicion*, which is aimed at helping to explain and develop support for the screening process for candidates who wish to become volunteer leaders. The video also provides guidance on acceptable conduct and how to avoid

discriminatory conduct. In its television programs, the Ministry takes care to ensure that both women and men are shown in various farm business roles to avoid stereotyping of women.

### **Article 15: Equality before the law**

554. See also responses to articles 2, 3 and 5.

555. The Government of Ontario has implemented a "gender neutral" drafting policy. With the completion of the Revised Statutes of Ontario, 1990, all current general statutes and regulations are in gender-neutral language.

556. The Government provides free interpreter services for victims of assault in criminal and civil cases. The Ontario Legal Aid Plan provides two hours of free legal advice to women who have been assaulted.

557. Amendments to the *Courts of Justice Act* will ensure better access to the legal system by providing information on the system and on how the public can make complaints and by enacting judicial training and evaluation provisions.

558. The Ministry of the Solicitor General and Correctional Services continues to operate police-community victim assistance services through the Victim Crisis Assistance and Referral Service, funded primarily by the Wife Assault and Sexual Assault Prevention Initiatives. Alternate community co-sponsorship models of service are being explored and a pilot project involving an Aboriginal co-sponsoring organization is being implemented.

559. The Ministry currently operates eleven Victims of Violence Programs for women victims/survivors of abuse in provincial correctional institutions. The Ministry has established a task force, with joint community and ministry representation, to develop long-term policy to meet the diverse needs of women in the provincial correctional system and action plans to address the policy direction.

560. The Government of Ontario is implementing programs to address the needs of former residents of a training school for girls who have alleged abuse while at the school. The programs include victim/witness assistance, counselling services, financial support and vocational opportunities.

561. In 1991, the Attorney General directed Crown Attorneys to oppose attempts to make a victim's sexual history admissible evidence in sexual assault trials.

562. The Ministry of the Attorney General has prepared and distributed a Crown Policy Manual which includes guidelines and directives to Crown Attorneys for prosecutions for sexual and spousal assault. The Ministry has designated at least one Crown Attorney in each office to be a co-ordinator for wife assault, sexual assault or child abuse prosecutions. These Crown Attorneys receive training in the social, psychological as well as the legal issues associated with these cases.



563. The Ministry has also established the Victim/Witness Assistance Program, in 13 Crown Attorney offices. The Program provides information and support to victims and witnesses, community co-ordination and public education. Priority is given to cases involving wife assault, sexual assault, child abuse, and other vulnerable victim populations such as the elderly, disabled, Aboriginal, immigrant and visible minorities.

564. The Ministry and the Law Society of Upper Canada are developing pilot projects in the area of family law legal aid to improve access to justice for all Ontarians, particularly women.

#### **Article 16: Family relations**

565. See also responses to articles 2, 3, 5 and 11.1(a).

566. The Family Support Plan (formerly the Support and Custody Orders Enforcement Program) continues to monitor and enforce court orders for spousal and child support as well as custody orders.

567. The *Family Support Plan Act*, enacted in March 1992, superseding the *Support and Custody Orders Enforcement Act*, provides for automatic deduction of support payments from the payor's (debtor's) income source (usually the employer) at the same time a court order is made. As well, any support orders made prior to March 1, 1992, or any domestic contracts for support, including paternity agreements are subject to the new legislation.

568. The Family Support Plan has a caseload of over 127,000. The caseload increases by approximately 1,200 new cases each month. Prior to the new legislation, only 40 percent of cases were receiving regular support payments. However, 70 percent of cases with automatic wage deduction under the new law are receiving regular support payments. Ninety-seven percent of all recipients filed with the Plan are women.

569. In 1991, the Ministry of the Attorney General announced a pilot project which provides provincial funding for supervised access services which are necessary when a court orders that a non-custodial parent's access to his or her children must be supervised. As of 1993, 14 centres, run by local community boards provided safer environments for non-custodial parents to meet with their children.

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## 7. MANITOBA

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### Introduction

570. This report will update, to March 1994, the information contained in Manitoba's submission to Canada's Third Report on the Convention.

### Article 2: Measures to eliminate discrimination against women

571. The Manitoba Human Rights Commission administers and enforces *The Human Rights Code*, 1987. The Code specifically protects against discrimination on the basis of ancestry, nationality/national origin, ethnic background/origin, religion, age, sex (including pregnancy), gender-determined characteristics, sexual orientation, marital/family status, source of income, political belief, and physical or mental disability.

572. Discrimination on the basis of sex was the most frequently cited ground of complaints filed in the years 1991 through 1993. It comprised 30 percent of all formal complaints filed in 1991, 31 percent in 1992, and 34 percent of those filed in 1993. In 1993, 58 percent (29 cases) of sex discrimination complaints were allegations of sexual harassment. Except for one, the complainants were all women.

573. In 1993, the Manitoba Human Rights Commission published and distributed a new brochure on sexual harassment. It explains the rights of individuals and the responsibilities of employers and others. The Commission responds to numerous requests from business and service organizations for seminars on sexual harassment, and assists with the development and implementation of workplace sexual harassment policies.

574. In December 1989, the Manitoba Civil Service adopted a policy on sexual harassment. It has since implemented corresponding training. The staff of the Employee Assistance Program also provide counselling and support to employees affected by incidents of sexual harassment.

575. The Manitoba Legislature enacted *The Homesteads Act* and amendments to *The Marital Property Act* in 1992. This legislation was proclaimed in force in 1993. It implemented the concept of deferred property sharing upon the death of one spouse. It repealed *The Dower Act*, and replaced the "fixed share" scheme previously in place under that legislation. (*The Dower Act* had permitted partial avoidance of property sharing by means of payment of a lump sum or an annuity, or a combination of the two, to the surviving spouse.)

576. These enactments primarily benefited women, who constitute the majority of surviving spouses. They continued the process of reform that began with the enactment of other statutes, such as *The Intestate Succession Act* in 1989. This Act also benefited women by implementing the "all to spouse" rule in cases of the death of a spouse without a will. Under

this rule, the surviving spouse takes the entire estate, unless there are children of a previous marriage of the deceased spouse.

### **Article 3: Measures to ensure the advancement of women**

577. The Manitoba Department of Justice was active in lobbying the Government of Canada to incorporate anti-stalking amendments to the *Criminal Code*. The Manitoba Legislature also amended *The Family Maintenance Act* in 1993 to provide a mechanism for easy attainment of non-molestation orders.

578. The Family Violence Court has been successful in responding to domestic violence. Since its establishment in 1990, independent evaluations have confirmed that it is functioning well and responding effectively to situations of women caught in the cycle of violence in a partnership setting.

579. The Department of Justice commissioned the *Domestic Violence Review into the Administration of Justice in Manitoba* (the Pedlar Report), which was completed in August of 1991. This report has been useful in addressing domestic violence issues in Manitoba.

580. The Manitoba Department of Education and Training has addressed recommendations contained in the Pedlar Report. These include developing and distributing a document entitled *Violence Prevention in Daily Life and Relationships* to all grade five to eight schools in the province in 1993; promoting ongoing use of a curriculum support document entitled *Violence Against Women: Learning Activities to Prevent Violence Against Women* (1991) for the high school level; adding a resource document entitled *Toward Healthy Relationships* to the Manitoba Text Book Bureau Catalogue (developed by the Brandon Y.W.C.A. and a women's shelter, with the support of the Department of Education and Training); assisting schools in implementing traditional Aboriginal healing circles and consensus building strategies to address violence and conflict amongst students; and co-sponsoring with the Business and Professional Women's Club of Winnipeg, a workshop for educators on conducting women's safety audits (May 1994).

581. The Department of Education and Training has adopted some additional initiatives aimed at the elimination of violence in the elementary and secondary levels of schools. It has provided funding support to school divisions to provide violence prevention intervention programs. It has used mandatory curricula in health to provide a vehicle for teaching kindergarten to senior level-two students about domestic violence. Within the health curricula, there is also discussion about self-respect and respect for others, the responsibility to self and others, and exploration of the facts and misconceptions about alcohol and other drugs. In the responsible sexual behaviour unit, there is attention to personal safety assertiveness.

582. Family life units for grades five, seven and nine feature positive family relationships/responsibilities, and individual personal safety. A lesson at the senior level one deals with the prevention of sexual assault in the context of "date rape". Although family life units are optional, most school divisions in Manitoba offer them. From 1989 to 1994, the



Department of Education and Training has conducted more than 80 regional workshops to train over 3,000 teachers of family life units.

583. The Department of Education and Training has developed a response unit of psychologists and social workers to provide support and assistance to schools and school divisions where an incidence of violence and/or death has occurred.

584. In 1993, the Department of Education and Training established a Violence Prevention Team to co-ordinate the department's violence prevention and intervention strategies and activities for the kindergarten to senior level four sector. The team is responsible for developing an integrated model for violence prevention and intervention. Planned elements of the strategy include establishing a collaborative network of community agencies, police services and government ministries, and providing supportive resource materials and staff development training to key school personnel.

585. As of 1991, family violence services included 29 community-based agencies throughout Manitoba. Services in Winnipeg (the largest urban centre in the province) included second-stage housing, and long-term counselling for both Aboriginal and non-Aboriginal victims of abuse, their children, and abusers.

586. Other family violence services include women's resource centres and long-term counselling for incest victims who have had addiction problems. Services throughout the province include crisis accommodation, counselling, public education, and crisis telephone lines. It is estimated that 2,700 women sought shelter in the 1992-93 fiscal year.

587. As of 1994, there are 10 crisis shelters for victims of wife abuse situated in nine communities throughout Manitoba. These operate under the Federal-Provincial Public Non-Profit Special Purpose Housing Program. The Department of Housing of Manitoba has assumed all housing-related management functions for these shelters as of April 1993. Minimum building standards for crisis shelters have been developed and are applied in the development of new shelters.

588. In 1993, the Manitoba Department of Housing developed a priority placement policy for victims of domestic violence. This policy departs from the usual tenant selection procedure for available public housing units, and provides first access to persons whose safety is in jeopardy from an abusive partner and who may not be able to afford private rental accommodations. This special priority status is available to any abused person regardless of family size, marital status, or current living arrangement.

589. The 1991 census of Canada indicates that 82.6 percent (30,880) of single-parent families in Manitoba were led by women. As of January 1993, single-parents who move from provincial social assistance to employment may continue to receive coverage for their basic dental, optical and pharmaceutical expenses for up to one year. This benefit is intended to assist these recipients in the transition from social assistance to work.

590. The social assistance regulations were also amended to exempt some additional financial resources from consideration in the calculation of social assistance benefits for the family. In June 1991, the first \$25,000 of assets held in trust for a child from compensation for a personal injury, the loss of a parent, or an inheritance from a parent, was exempted. In January 1993, the federal Child Tax Benefit (including the new Earned Income Supplement) was exempted. In addition, the exemption on liquid assets was significantly increased in March 1992 (for example, from \$1200 to \$2500 for a single parent with two children).

591. The Department of Housing has a number of policies recognizing the need to support women who are tenants in public housing and active in the workforce, including those that are heads of households. These include a number of deductions from income when calculating rental rates for housing, such as the first \$1000 of earnings for a spouse who is employed, automatically applying the \$1000 deduction to income where the head of the household is a single-parent (primarily mother-led families) and deducting family allowance payments made to mothers.

592. The "head of household" policy of the Social Allowances Program was changed in September 1992 to allow couples applying for assistance to have their eligibility based on either adult. Eligibility for the family is no longer automatically based on the circumstances of the adult male. This change allows a couple with a female disabled spouse to access the higher benefits provided to disabled applicants.

#### **Article 4: Temporary special measures**

593. The Executive Development Program for Women in the Civil Service aims to increase the number of women in senior management, which in March 1993 was 22.83 percent of the Manitoba Government senior management job category. This program is available to approximately 450 women.

594. As of September 1993, women comprised 49.32 percent of the Civil Service workforce. During the fiscal year 1992-93, 63 percent of new appointments and of appointments from bulletined competitions were filled by women. In that same time period, 63.8 percent of promotions within the Civil Service went to women. Women also comprised 21.32 percent of applicants to competitions for male-dominated classifications, and were successful in 37.5 percent of these competitions.

#### **Article 5: Sex-role stereotyping and family education**

595. The Manitoba Women's Directorate, in collaboration with the Women's Health Branch of the Manitoba Department of Health, produced a poster series entitled "Girls Can, Boys Can", aimed at eliminating gender stereotyping at a young age. Posters were distributed to primary schools across the province. The Women's Directorate is a member of the Federal/Provincial/Territorial Working Group on Education and Training. The Working Group commissioned a paper on gender socialization that was released at the 1993 meeting of Status of Women ministers.

596. The Department of Education and Training has expanded the home economics program at the senior level to include infant development centres. These provide adolescent parents with information on parenting and survival skills. Also, the Family Studies Programs for senior two to senior four levels examine human development, child development, family relationships, and parenting and gender roles.

597. The Department of Education and Training has developed support materials that present strong female role models and counter negative stereotypes about Aboriginal women. These support materials include *In Search of Beatrice Culleton* and *Native Women and Their Careers*.

#### **Article 6: Prostitution**

598. Manitoba was instrumental in having the law relating to prostitution in Canada clarified by virtue of its appeal to the Supreme Court of *R. v. Butler* (1992) 1 S.C.R. 452.

#### **Article 7: Women in politics and public life**

599. Of Manitoba's 80 full-time judges, 10 are women. The Chief Judge of the Provincial Court is a woman.

600. Women hold 12 of the 57 seats in the Manitoba Legislature. Of 17 cabinet minister positions, three are held by women. There is one female deputy-minister of a total of 23.

601. Women hold three of the 15 Winnipeg City councillor positions. The Mayor of Winnipeg is a woman.

602. Two of the three community college presidents in Manitoba are women.

#### **Article 10: Education**

603. The Manitoba Human Rights Commission distributed its guidebook entitled *Human Rights in the School: Guidelines for Educators, Students, Parents and other School Participants* to every school and school superintendent in the province in 1992-93. Commission staff have been actively promoting its use. One subsection of the guidebook addresses the issue of gender equality.

604. The Human Rights Commission's publication *Inventory of Human Rights Teaching Materials* was distributed to every school in Manitoba in 1990. Included is a listing of resources on the topic of discrimination based on sex/gender.

605. In April 1994, the Department of Education and Training distributed a directory of innovative programs and resources aimed at improving the condition of girls in maths/sciences. This directory, *Expanding Choices*, was provided to all school divisions. (It was produced by the Nova Scotia Women's Directorate.)



606. The Department of Education and Training has initiated the development of a source book for teachers about fair portrayal of persons of visible minorities. It also focuses on the fair portrayal of women of visible minorities in gender equity situations. Development is expected to be completed in September 1994.

607. All textbook and support materials from kindergarten to senior four level are screened on an ongoing basis through materials selection procedures that are based on the three-stage Canadian Exchange of Instructional Materials Analysis model. Non-sexist language is one of the many criteria used in the process. Other criteria include: age, race, ethnicity, religion, handicap, socio-economic status, political beliefs and tolerance.

608. Curriculum assessment and examination committees screen kindergarten to senior four level items and questions on an ongoing basis for racial and sexual bias.

609. Forty-two percent of community college day enrolments in the 1992-93 school year were women. In 1991-92, women comprised 57 percent of full-time program career enrolments in Manitoba community colleges, primarily because of high enrolment in health and social service programs.

610. In January 1990, a sexual harassment policy was implemented to address sexual harassment involving post-secondary students. Gender-inclusive guidelines are also currently being piloted within Red River Community College to ensure that all community college publications, learning materials, and evaluation procedures and materials are free from sexist language and sex-stereotyping. Where learning materials that include sexist language are valued for their specific course content or portrayals but cannot be replaced, attention is focused on the bias, to create a new gender-inclusive awareness in the classroom.

611. The Student Financial Assistance Program of Manitoba administers the Study Assistance for Social Allowance Recipients Program. This program provides student loans to cover educational costs to single-parents in receipt of social assistance who wish to pursue post-secondary education as they continue to receive social assistance. More than 80 percent of single-parents in Manitoba are women.

612. Manitoba provides funds for community-based, learner-centered adult literacy programs. The programs operate on a part-time basis in the day and evening, and provide transportation and day care where necessary to allow adults to attend classes. This makes it possible for women with work and family responsibilities to attend programs. In 1993-94, 608 women participated in the 32 community-based programs, representing 56 percent of total participants.

613. The Manitoba Department of Culture, Heritage and Citizenship delivers Community Based Language Training that provides learner-centered English as a second language training in a supportive community environment for women who are at home caring for their children, and for seniors (mostly women). It also provides a Workplace Language Training Program that offers opportunities for employed women who are without other avenues for English as a

second language competency to learn the language requirements of their workplace, thereby reducing their dependency and vulnerability.

614. Since January 1991, the University of Winnipeg has implemented several programs or policies which have reduced or eliminated forms of discrimination against women. These include: Maternity/Adoption Leave Policy (1991) which supplements unemployment insurance, maternity and adoption leave benefits; Sexual Harassment Policy (1991) and the establishment of the sexual harassment officer position; Staff Development Program for Support Staff (1992) which provides for leave of absence with pay for staff to improve their qualification and obtain additional training; Tuition Waiver/Tuition Reimbursement Policy (1991) which has been used by many women to complete undergraduate degree programs on a part-time basis while working full time; and Training and Development Policy for Support Staff (1991), a comprehensive training policy and funding incentive program which encourages training and development opportunities for employees and has mainly benefited women.

615. Changes to the collective agreement between the University of Winnipeg and its employee groups have benefited women. These include changes to the seniority provisions which now allow seniority to accrue during maternity/adoption leave (1991); changes to the parental leave provisions to allow for 17 weeks of parental leave following maternity leave (1991); participation by management and the union in work experience programs designed to introduce or reintroduce women into the workforce (1991); compassionate/ emergency leave that grants time off as a right to employees needing same to look after family members (1992); and job sharing arrangements that have opened up opportunities for mothers of young children (1992).

616. Brandon University has implemented "Positive Action to Improve the Status of Women" in its collective agreement with its faculty association.

617. The Collège Universitaire de Saint-Boniface created the position of Special Student Services Co-ordinator in 1991. Actions undertaken by the co-ordinator have included orientation sessions for women at the beginning of each academic year, a series of ten workshops for women students on the topic of self-esteem (1993-94), and a women's committee established in conjunction with the faculty association to provide support to women students and staff, and to promote women's rights and equalities.

618. The President of the University of Manitoba has established a Women's Secretariat. The Secretariat has produced a booklet entitled *U. of M. Women's Guide to University Resources*. The University of Manitoba approved a statement on discrimination policy in December 1991.

619. The University of Manitoba implemented pay equity, with adjustments to salaries of female support staff taking place between 1988 and 1991 inclusive. On the recommendation of a joint committee of management and faculty association, salary adjustments to female academic staff salaries were implemented in 1991.



## **Article 11: Employment**

620. The Department of Family Services budget for child day care has increased in the fiscal years ending in 1991, 1992, 1993, and 1994 by 3 percent, 2 percent, 6 percent, and 1.5 percent respectively. Child day care enhancements over that same time included salary enhancement and maintenance grant increases; subsidized daily fee increases; an increase of 3,250 in the number of subsidized children; expansion of the income level eligibility for partial subsidies; an additional 1,865 licensed spaces; the establishment of the Working Group on Francophone Day Care; an increase to the budget for the Children with Disabilities Program; and provision of a guaranteed fee payment to private day care centres. In the 1992-93 fiscal year, there were 742 provincially-funded child care centres and homes, with a total of 13,923 child care spaces. There were an additional 5,192 spaces in non-profit and private centres, a portion of which were partially funded.

621. In response to an external audit of Manitoba's civil service classification system recruitment and selection practises, the government has implemented a number of recommendations to improve equitable access to government employment opportunities. For example, research was conducted and training provided regarding barrier-free job bulletins.

622. The Apprenticeship Branch has appointed a woman representing Manitoba Women in Trades and Technology to the Apprenticeship and Trades Qualification Board. All field officers of the Apprenticeship Branch are responsible for the promotion of women in trades and technology. Three of its 12 officers are women. The Branch has also established special recognition awards to be given annually to the first woman graduate in each trade.

## **Article 12: Health care**

623. The Department of Health has designated women's health as a priority area for policy and program development. Two key principles of its health care reform are informed choice and the delivery of health care services as close to home as possible.

624. The Antenatal Home Care Program, which initially cared for women with pregnancy induced hypertension, was expanded in 1991 to include care for women with additional high-risk conditions. This home care program results in less disruption to family life, and provides an opportunity for high-risk pregnant women to participate in their own health care to a greater extent than is possible in hospital.

625. The Department of Health participated in the development of the federal/provincial/territorial report *Working Together for Women's Health* (April 1990) and its subsequent distribution.

626. Postpartum Guidelines were developed in 1992 to provide a framework for the provision of care for women and families in the transition from hospital to home following childbirth.



627. Grant funding is provided to community agencies for cross-cultural reproductive health education to immigrant women and their families.

628. The Department of Health has been involved in the establishment of a community-based organization to educate women about AIDS.

629. The Department of Health co-ordinates the "Nobody's Perfect" education program for parents of children from birth to age five. Since 1991, the Department of Health has been responsible for facilitator training. The program targets young, single, low-income, socially or geographically isolated parents or parents with limited formal education, and provides accurate information on their children's health, safety, development and behaviour.

630. Funding has been provided for a three-year Integrated Service Delivery Demonstration Project directed to female street prostitutes. Project goals include identifying and reducing health-related problems for young women and girls who prostitute, or who are at risk of prostitution.

631. Other initiatives of the Department of Health include the development of a fact sheet on osteoporosis, conversion to audio-tape of its resources on menopause and perinatal loss, and the provision of funding for a resource, in comic-book format, for at-risk teens, on birth control, sexually-transmitted diseases and single-parenting.

632. Treatment services for women with addictions has been expanded to include gambling addictions. These treatments include both residential and non-residential options.

### **Article 13: Economic and social life**

633. The Manitoba Department of Industry, Trade and Tourism has a Business Development Consultant available to provide informational, counselling and training services through the Women's Entrepreneurial Initiative. A new plan-of-action was developed in 1993, and is being implemented. Its objective is to foster the success of women in developing and expanding businesses. Its initiative integrates entrepreneurial education and training, access to start-up and expansion capital, and expert advice for support.

634. The Manitoba Sports Directorate provides funding to a number of organizations involved in promoting women's activity and sport. These include the Canadian Women's Volleyball Team, which is currently based in Winnipeg, and the Manitoba Sports Federation. The latter has struck a committee to review issues relevant to women in sport.

### **Article 14: Women in rural areas**

635. The Women's Directorate has outreach staff in Portage la Prairie and Thompson. Outreach staff act as a source of information, referral and support services to women's groups and individual women throughout the province.

636. A toll-free women's information line has been established to provide women from any part of Manitoba with easily accessible information on government and community programs and services.

637. The Women's Directorate, in partnership with the Manitoba Women's Institute, the Department of Agriculture, and the Department of Family Services, has established a pilot project for a rural child care registry. The objective of the registry is to provide access to flexible and affordable child care for rural Manitobans, particularly farm families. Pilot projects began in the fall of 1992 and are fully operational in nine communities throughout Manitoba. The project is currently under evaluation by the Human Ecology Department at the University of Manitoba.

638. Through Manitoba's Business Start Program, qualified entrepreneurs can receive a loan guarantee of up to \$10,000 through participating financial institutions, to help in the start-up of a business. Approximately 60 percent of the loan funds are targeted at businesses started by women and rural entrepreneurs.

#### **Article 16: Women and the family**

639. The Manitoba Human Rights Commission proceeded with its appeal to the Manitoba Court of Appeal in the case of *Vogel and North v. Government of Manitoba*. The decision is expected in the spring of 1995. This case involves the issue of whether denying spousal benefits to same-sex partners under the Government of Manitoba's spousal benefit plan is discrimination based on sexual orientation, marital and family status, and sex. The outcome of this case will affect women in same-sex spousal relationships and their families. (Earlier decisions of the adjudicator (1991) and the Court of Queens Bench (1992) held that this was not discriminatory).

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## 8. SASKATCHEWAN

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640. This will update to June 1994, the information contained in Canada's third report on the Convention.

### Article 2: Legislation

641. *The Family Maintenance Act*, enacted in 1990, removed fault provisions so that payment of maintenance is to be determined on the basis of need and ability to pay. New provisions included a maintenance obligation between common law spouses.

642. *The Saskatchewan Human Rights Code* was amended in 1993 to add protection from discrimination on the basis of sexual orientation, family status and receipt of public assistance (welfare). The amendments apply to situations involving employment, housing and the provision of public services.

643. As a result of changes made in 1993 to *The Limitation of Actions Act*, there is no longer a limitation period for bringing civil action for trespass to the person, assault or battery where the cause of action is based on sexual misconduct or where at the time of injury the plaintiff was in a relationship of financial, emotional or physical dependency with the defendant.

644. Changes to *The Victims of Crime Act* extend the limitation period for making a claim against the Victims Fund as a result of a sexual offence or non-sexual assault. No action is necessary until the victim is able to understand the nature of the injuries and recognize the effects of the misconduct. The Victims Fund provides financial support for programs and services for victims of crime, and for research and education in the areas of crime prevention and early intervention.

645. Common law partners now have the right to sue if their spouse is killed. An amendment to *The Fatal Accidents Act* extends the right to sue the person responsible for the death. Previously, only legally married spouses, as well as children, grandchildren, parents and grandparents had the right to take legal action.

646. *The Victims of Domestic Violence Act*, yet to be proclaimed, establishes emergency judicial orders, available in domestic violence situations, allowing the abused party, usually the woman, to remain in the family home and requiring the abuser to leave. Orders are available to ensure that an abused party can obtain access to personal effects following an abusive incident. Further remedies are available for the abused party following a domestic violence incident. The legislation also allows authorities to obtain warrant to enter the home to investigate allegations of abuse.

647. A province-wide Family Law Division, Court of Queen's Bench, is being created with support services to ensure that family breakdown matters are more sensitively and responsibly dealt with by the justice system. As family breakdown is a time of significant emotional,



physical and financial hardship to women and children, these services should help to lessen these effects.

648. There are also amendments, soon to be proclaimed, to *The Labour Standards Act* relevant to this convention. Part-time workers in larger firms will receive the benefits available to full-time employees, in proportion to the hours worked. Employers will also be required to provide employees with weekly work schedules and a week's notice of changes in their schedules. The Act will require the payment of public holiday pay for all employees in proportion to the number of hours worked. These changes will benefit the great number of women who work part-time. Maternity, paternity and adoption leaves are available to allow parents to care for their children. Changes to the Act will increase the six weeks (unpaid) parental leave to 12 weeks.

649. *The Women's Affairs Act* continues in force, creating a Cabinet portfolio for matters related to the status of women. The Act charges the Minister responsible to: develop mechanisms for the integration of women's concerns into the government's decision making process; co-ordinate policy, programs and activities of the government relating to the status of women; make recommendations with respect to matters affecting the status of women; and provide any appropriate assistance for improving the status of women in our province.

650. *The Occupational Health and Safety Act* now prohibits harassment in the workplace that constitutes a threat to the health and safety of the worker. The definition includes sexual harassment as well as harassment based on a number of other grounds, including marital status, family status and sexual orientation. The Act and regulations have a preventative focus and require employers to have harassment policies, to educate staff and to institute complaint mechanisms.

### **Article 3: Human rights and fundamental freedoms in all fields**

651. The Saskatchewan Women's Secretariat continues to work with government departments and agencies to ensure that women's concerns are incorporated into government planning and policy development. The Secretariat's staff allocation was increased from seven person years in 1991-92 to ten in 1993-94.

652. In 1993-1995, the Secretariat has been or will be working on issues such as: violence against women and in families; violence in the media; pay equity; employment equity; balancing paid work and family responsibilities; child care (day care); plans to improve co-ordination of services to children; and Saskatchewan women's history and accomplishments.

653. In March 1991, the Women's Secretariat produced the *Saskatchewan Women's Directory*, a readily accessible source of information about services, programs and organizations of interest and benefit to Saskatchewan women. The Directory was updated in 1993. It is available free of charge.

#### **Article 4: Affirmative action programs**

654. The Saskatchewan Human Rights Commission continues to approve programs designed to address disadvantages faced by people on the basis of prohibited grounds of discrimination. The Commission's programs currently target women, persons with disabilities, Aboriginal people and members of visible minorities. The Commission supervises 18 programs in the workplace, affecting 30,240 workers or 6.5 percent of the workforce and 7 programs in training institutions.

#### **Article 5: Eliminating practices based on stereotyping; family education**

655. The Department of Justice and the Department of Education, Training and Employment are co-operating to set up peer counselling groups in high schools across the province to deal with dating violence.

656. The Saskatchewan Association of Broadcasters, representing the private television and radio broadcast industry, is working in consultation with government and community agencies to develop a series of public service announcements on family violence. The TV ads are designed to promote community awareness of the issue of family violence and to counter messages sometimes sent by the mass media that violence is acceptable.

657. The Department of Education has developed optional units for the provincial Health curriculum for grades 7 to 9 which address family violence. Family violence units for grades 11 and 12 are being developed as part of the new Life Transitions Course, which will be offered as an elective.

658. The Department of Social Services, through the Family Support Centre, provides outreach and support to battered women and their families. In addition, the Family Sexual Treatment Program offers counselling to families who experience intrafamilial sexual abuse. In 1993, the Department provided \$2.8M to non-governmental organizations for services to women and children who have experienced abuse. The services range from emergency shelters to counselling. For the 1994-95 fiscal year, the Department has allocated \$750,000 (new funding) for family violence services. This money is directed to community based outreach services, support to existing services, and to develop services in areas that are currently underserved.

659. The Saskatchewan Indian and Métis Affairs Secretariat provides core (operational) funding to three Indian, Métis and Aboriginal women's groups, encouraging them to represent to the government the particular issues that face their respective client groups. On an annual basis, a total of \$174,000 is available for three Aboriginal women's groups.

#### **Article 7: Political and public life**

660. In 1994, 13 of the 66 members (20 percent) of the provincial legislature are women. There are 4 women Cabinet ministers. This is an improvement over the previous legislature in which 5 out of 64 (7.8 percent) of the members were women.

661. From 1985 to 1994, there was a slight increase in the number of women elected to city government positions. In 1985, no mayors of cities were women. In 1994, 2 out of 12 (16.6 percent) were women. Women comprised 12 out of 85 city councillors in 1985 (14.1 percent) and 13 out of 77 in 1994 (16.9 percent). (Saskatchewan cities have populations of 5,000 to 190,000)

662. In 1985, eight of the 363 village mayors were women (2.2 percent). In 1994, twenty-two of the 324 mayors were women (6.8 percent). (Villages have populations of 100 to 500)

663. In 1994, none of the reeves of rural municipalities were women. (Figures were not available for earlier years)

664. Since the fall of 1991, 43 percent of appointments to provincial boards and commissions have been women.

665. Women have the right to vote and are not legally restricted from participating in public life. However, in 1994 it is still the case that work and family responsibilities, the lack of political support for women candidates, and limited financial resources for running election campaigns, often limit women's political participation.

666. The Saskatchewan Women's Advisory Council is a government-appointed group of nine women, who are from a variety of backgrounds. It reports to the Saskatchewan Minister Responsible for the Status of Women. The first Council was established in 1974. The most recent Council was appointed in March 1994. The Council's terms of reference are: to advise the government on matters pertaining to women; to consult with the public and bring the concerns on status of women issues to the attention of the government; to undertake research on matters relevant to the status of women.

## **Article 10: Education**

667. Further to Saskatchewan's last report on this Convention, the Department of Education, Training and Employment prepared a Gender Equity Policy for the Kindergarten to Grade 12 system in 1991. A committee has been formed to promote implementation of the gender equity policy in Saskatchewan schools. This committee has representation from the Saskatchewan Teachers' Federation, the Saskatchewan School Trustees Association, the League of Educational Administrators, Directors of Education and Superintendents and the education faculties of the two universities.

668. Saskatchewan Women's Secretariat is co-funding with the federal government a video and educational kit which points out the changes needed to counteract the gender bias in Canadian education systems, teaching methods, parental attitudes and relations between male and female students.

669. A number of governmental and non-governmental organizations have co-operated in sponsoring pilot project "Girls Exploring Technology" summer camps. The three-week camps



introduced young women in grades 7 and 8 to the concept of trades and technology career choices.

670. Saskatchewan Women in Trades and Technologies, a women's professional organization, prepared two videos and accompanying educational kits. "She's Got Her Ticket" profiles women successfully working in trades and technologies. "She's Making Choices" shows girls at a trades and technology summer camp and interviews girls planning for a variety of careers. This material is distributed through the provincial education system.

### **Article 11: Employment**

671. The provincial government, through the Public Service Commission (P.S.C.) has three Employment Equity plans approved by the Saskatchewan Human Rights Commission, applicable to managerial, professional and unionized positions in the public service. In proportion to the working age population provincially, the overall representation of women in the public service is more than sufficient (at 54.1 percent of our workforce vs. 43 percent in the community workforce), but numbers tend to be concentrated in certain occupational groupings, including administrative, fiscal and clerical positions.

672. The long term goal of the public service Employment Equity program for women is to increase their representation to 43 percent in managerial, professional and non-traditional occupations. Non-traditional occupations are those job classifications in which less than 30 percent of the positions are currently held by women.

673. Crown and Treasury Board corporations (which are currently developing equity plans in their workplaces) and individual government departments annually set quantitative and qualitative targets which are reviewed by the Steering Committee on Employment Equity which is responsible to Cabinet. Results are evaluated at year end. The P.S.C. assists departments to meet their goals through recruitment, staff development and training activities.

674. The P.S.C.'s job classification plan for non-unionized employees is calculated to be sensitive to gender bias. This provides for a more equitable evaluation of "jobs of equal value".

675. Any pregnant employee who has a medically substantiated need to be absent from work for health reasons related to the pregnancy, either before or after the date of delivery, is allowed to use sick leave benefits.

676. The P.S.C. circulated a pamphlet to all employees outlining programs to assist employees to balance work and family responsibilities. The options include: flexible start and stop times; job-sharing; reduction of hours; maternity, paternity and adoption leave; career leave (unpaid leave of absence); deferred salary leave plan; and pressing necessity leave.

677. A two-person sexual harassment unit began operation at the Women's Secretariat in the fall of 1994. The unit will work with business, employers, employees and unions to effect changes in workplace policies and practices regarding sexual harassment.

## Article 12: Health

### Health education, prevention and promotion activities

678. Health education presentations are offered by public health nurses on a variety of topics including: menopause, breast self-examination, fitness and lifestyle, sexually transmitted diseases, heart health, nutrition, and stress management.

679. The Wellness and Health Promotion Branch of Saskatchewan Health has developed and distributed a range of health promotional literature dealing with women's health concerns: women and AIDS, pre-natal care, women and smoking, breast feeding, nutrition during pregnancy, etc. The Branch has also provided five grants totalling \$23,000 during the 1993-94 budget year relating directly to women's issues including:

Menopause Resource Centre;  
Women and Wellness Conference;  
Women and AIDS (posters);  
Older Women and Poverty Video; and the  
Saskatchewan Fetal Alcohol Syndrome Co-ordinating Committee (symposium).

680. A home study course *Wellness for the Caregiver* assists those who are caring for an elderly parent or relative and was piloted in September 1993.

681. The Saskatchewan Institute for the Prevention of Handicaps, in partnership with Saskatchewan Health, initiated a "Down to Business" pilot program to deliver health education information at worksites and promoted development of the "Nobody's Perfect" primary prevention program for young parents.

682. The Saskatchewan Indian and Métis Affairs Secretariat provides ongoing financial support for an annual Women and Wellness Conference. The conference provides a forum for Aboriginal women to network and discuss concrete and practical ways to assist their communities with the healing process. The conference format is based on a holistic approach that focuses on the spiritual, emotional and physical well-being of the participants. Conference activities include presentations, sharing of experiences, and discussions that are designed to support Aboriginal women as they strive to achieve a positive lifestyle as "caregivers" in their community. Since 1990, conference participation has increased from 450 participants to over 1,800 participants in 1993.

### Health planning and policy development

683. The Saskatchewan Minister of Health's Advisory Committee on Family Planning was appointed in June 1992 to provide advice and develop policies on ways to reduce unintended pregnancies, particularly in adolescents, and to improve reproductive health. The committee's first report, *Toward Sexual and Reproductive Health in Saskatchewan*, was released in November 1993 and is currently under consideration.

684. A Women and Mental Well Being Conference, sponsored by the University of Saskatchewan with funding from Saskatchewan Health, was held in October 1991. The conference was highly successful and resulted in the formation of the Saskatchewan Women's Mental Health Agenda Project. The Project seeks to improve women's mental health through education and lobbying.

685. The Saskatchewan Midwifery Review Committee has been formed to assess the need for the regulation of midwifery services, and to consider the integration of midwifery into our health system.

#### Health services

686. Breast cancer screening services, initiated in 1990, continue to be available. Mammography tests are provided free of charge for women aged 50 to 69. Services are provided in medical facilities in seven urban centres and by use of a mobile van mammography unit in rural and northern areas. Funding in 1993-94 was increased to expand the breast cancer screening program in rural areas of the province.

687. Prenatal classes, well baby clinics and parenting classes are offered through health units throughout the province, some of which are specifically provided by and for Native women. Postnatal classes are provided in some public health jurisdictions.

688. Two Cervical Cytology Testing Centres in Regina and Saskatoon will be established by Saskatchewan Health for accurate centralized testing of cytology smears.

689. Family violence services offered by Saskatchewan Health have been extended and enhanced. The Batterer's Treatment Program for men is available in Prince Albert. A Sexual Abuse Treatment Program is available to children and youth in families affected by violence. Services are increasingly focused on the whole family as client.

690. The Women's Health Centre, located in the Regina General Hospital, consolidates a number of specialized diagnostic and treatment services for women including: fetal assessment, infertility services, colposcope, hysteroscope, cryotherapy, therapeutic abortion, laser therapy, and health/family counselling.

691. The Minister's Advisory Committee on Family Planning received approval to sponsor a toll-free line on reproductive health for Saskatchewan in 1994.

692. In 1989, the Department of Social Services established the Teen and Young Parent Program, a voluntary program designed to provide comprehensive services to assist teen and young parents facing an unplanned pregnancy.

#### Substance use

693. The Alcohol and Drug Services (ADS) Branch (formerly Saskatchewan Alcohol and Drug Abuse Commission) of Saskatchewan Health provides several programs aimed specifically at women who are victims of alcohol or drug abuse, either directly or as spouses



or as parents of children affected by substance abuse problems. These include the Spousal Support Program, where over 90 percent of the 1,100 clients are female, and the Women with Chemical Dependency intensive in-patient treatment program. ADS participates on the Women's Action Committee on Substance Use which is now developing a model of service for Saskatchewan women with problematic substance use.

### Article 13: Economic and social life

694. The child care program, administered by the Department of Social Services, continues to expand services, with an emphasis on rural areas. Monthly grants are provided for infants and toddlers of teen parents attending high school in nine location throughout the province. Since 1981-82, there has been a 96 percent increase in expenditures on child care grants and subsidies, and a 71 percent increase in the number of licensed child care spaces in the province. The Department licenses and regulates day care centres and family day care homes. Subsidies are provided for low income parents who cannot afford the cost of care. Approximately 85 percent of those receiving subsidies are single parent mothers.

Program Statistics 1981-1982 and 1992-1993		
	1981-1982	1993-1994
No. of licensed spaces	4189	6936
No. of day care centre spaces	3373	4409
No. of day care home spaces	816	2527
Maximum subsidy	\$210	\$235
Total subsidies	\$5,322,835	\$9,506,964
Total grants to day care	\$864,264	\$3,108,547
Total subsidies and grants	\$6,187,099	\$12,615,511

695. The Co-operatives Directorate in the Department of Economic Development assists communities with the organization of day care co-operatives throughout the province.

### Article 14: Rural areas

696. Communities and rural municipalities within Saskatchewan, excluding the far north and Indian reserves, have organized themselves into 30 health districts covering 97 percent of the population under a process initiated by the Government of Saskatchewan. Health district board members will be elected, leading to greater accountability and control for district residents. In addition, each health district is undertaking a process to determine local programming priorities for residents.

697. All health districts are comprised, to varying degrees, of rural populations. Within the framework of provincial standards set by Saskatchewan Health, health districts are striving to

structure needs-based and affordable services effectively and efficiently. Health districts have assumed responsibility for acute care, long term care, home care and emergency medical services provided to residents, with existing provincially delivered community health and mental health services to be provided by health districts within two years.

698. Air ambulance services are used extensively in northern Saskatchewan to ensure ready access is provided for those requiring necessary hospital and medical services.

699. A Rural Health Initiatives Fund of \$10 million has been established for enhancing rural health promotion and prevention, home care and emergency services.

700. A confidential toll-free *Farm Stress Line* for rural and farm residents was initiated by the provincial government in February 1992. It provides counselling assistance, referrals and information specifically tailored for to needs of rural callers. The service is co-ordinated by Saskatchewan Agriculture and Food and jointly implemented by the departments of Health, Social Services, Rural Development and the Farm Debt Review Boards. About one-third of callers to the service are women.

701. The Co-operatives Directorate has co-sponsored a study on the economic benefits of rural day-care, undertaken by the Centre for the Study of Co-operatives, University of Saskatchewan. The study will describe the status of rural day-care, examine alternatives for day-care provision and recommend a development strategy.

#### **Article 15: Legal rights**

702. In 1994, 2 out of 9 of Saskatchewan Court of Appeal judges were women. In the same year, 4 out of 35 of Court of Queen's Bench judges were women. This is double the number of women judges in these positions in 1985.

703. In 1993, 33 out of 774 local police officers were women. In the same year, 103 out of 1140 Royal Canadian Mounted Police officers in Saskatchewan were women.

704. Under a pilot project, court-based victim witness programs in Regina, Saskatoon and Prince Albert ensure that witnesses are kept up-to-date with the circumstances of their cases and provide personal support to victim witnesses.

705. A federal/provincial/territorial working group looking into issues of gender equality within the justice system reported to the Attorney General in May 1993. The report dealt with the following areas: gender bias in the system; gender bias before the courts; the justice system and violence against women; the justice system and female offenders; substantive law bias against women; and women working in the justice system. The report contained over 200 recommendations for changes in both the civil and criminal justice system, including human rights legislation, to enhance the equality of women. Saskatchewan's Attorney General has committed to implementation of all recommendations, subject to fiscal and operational limitations. These recommendations have been shared broadly with academics, other government departments, the public and women's groups. Officials are reviewing and implementing needed changes.

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## 9. ALBERTA

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### Introduction

706. This report covers the period of January 1, 1991 to March 31, 1994.

707. Alberta remains committed to enhancing the opportunities of women. Under current fiscal restraint and budget cuts, the Alberta government will continue to focus on ensuring that all Albertans have the opportunity to participate fully and actively in the economic, social and cultural life of the province and in the decision making process that affect their well-being.

### Article 2(e): Equality

708. The Alberta government will continue to develop appropriate government policies, programs and legislation affecting women. As a part of its three-year business plan, Alberta Community Development has listed "the heightened and improved participation of individuals (defined in terms of gender and cultural/racial origin) in the social and economic life of Alberta" as an expected result to be achieved by 1996-97. This will be measured by a base line study to establish current status, and by tracking and evaluating the relative changes in the participation rates of women in the economic and social life of the province.

709. Alberta has conducted a public review of its human rights legislation, the *Individuals Rights Protection Act*, which governs human rights protection in Alberta, and the Human Rights Commission which administers the Act. Public hearings have been held across the province. As part of this review, communities were encouraged to become involved. Two workshops on human rights and women's issues were held and proceedings from these workshops were considered for the final report and recommendations, due in July 1994.

710. In 1993, gender-related issues, such as pregnancy and sexual harassment, increased as a proportion of total inquiries made to the Human Rights Commission — to more than 50 percent.

711. Through its education program, the Human Rights Commission focuses on equity and fairness in employment. The Commission works in partnership with various organizations to address issues as related to women.

### Article 3: Appropriate measures in the political and economic fields

712. The Women's Policy and Programs Unit within Alberta Community Development acts as a catalyst and consultant within government to ensure that women's perspectives are considered in the development of government policies, programs and legislation.



713. It co-ordinated work in 1991-92 and in the last year (1992-93) of the four-year Alberta Plan for Action for Women. This initiative was established to generate government action on issues of concern to women in the areas of employment, education and training, family, health and the public service.

714. The Alberta Advisory Council on Women's Issues is a citizen's advisory body consisting of a chairperson and up to 14 members. Appointments are made by Order in Council. The *Alberta Advisory Council on Women's Issues Act* mandates the Council to advise and report to the Alberta Government on matters relating to the opportunity for full and equal participation of Alberta women in the life of the Province by: identifying issues of concern to women that may be addressed by government; making recommendations to government on these issues; consulting with and providing information to the public; and carrying out other activities the Minister considers appropriate.

#### **Article 4.1: Temporary special measures**

715. Since 1990, the Alberta Multiculturalism Commission has sponsored a Managing Diversity symposium. Employment equity, human rights, discrimination, and barriers in the workplace are some of the relevant women's issues addressed at past symposia.

716. The Alberta government has in place an *Access/Managing Diversity* program, which assists public institutions, businesses, industries, and organizations to develop operations and services that are available and appropriate to the needs of all Albertans. The ultimate objective is to dismantle visible and invisible barriers which hamper the full social and economic participation of non-dominant groups. The *Managing Diversity* process also incorporates the objectives of employment equity. It goes beyond recruitment towards the objectives of a representative workforce.

717. The Alberta government is taking proactive steps as an employer with programs to support female employees. During the reporting report, the Personnel Administration Office developed initiatives related to balancing work and family responsibilities including two symposia for employees.

#### **Article 5(a): Elimination of stereotypes**

718. The Alberta government's Stepping Stones Role Model Program, co-ordinated by Women's Policy and Programs, promotes the idea that career choice is not a gender-linked decision and introduces the notion that every career is an option for women as well as men. Stepping Stones provides role models who work in non-traditional occupations as well as a full range of resource materials to junior and senior high schools throughout Alberta.

719. In 1991, Alberta Career Development and Employment (now called Alberta Advanced Education and Career Development) facilitated a workshop to increase employee awareness of gender differences in the workplace. The workshop was presented to four other government departments.

## Article 7: Political and public life

	1993	
Participation in Parliamentary Assemblies:		
Female Ministers in the Alberta Legislature	3/17	17.6%
MLAs (excluding Ministers)	13/66	19.7%
Total (Ministers and MLAs)	16/83	19.3%
Participation in Government:		
Deputies, Assistant Deputys, and Executive Managers II's	8/76	10.5%
Judiciary	29/178	16.3%

## Article 10: Education

720. Each year, the Alberta government provides up to 20 Persons Case Scholarships<sup>1</sup> to post-secondary students (mostly women) whose studies contribute to the advancement of women, or whose work is in fields where members of their gender are few.

721. The Women's Secretariat Grant Program provides limited financial assistance for short-term education projects such as conferences, workshops and seminars on issues of special concern to women. Non-profit women's groups and other non-profit organizations or community groups can apply for funding.

### Article 10(a)

722. Alberta Advanced Education and Career Development approves for implementation at public post-secondary institutions only those academic programs that are available equally to all adults, and continues to monitor enrolments and graduates by gender.

### Article 10(c)

723. Changes in the high school science curriculum which address issues of science in a social setting have proved successful in attracting more girls to high school science classes. Examples for changes in the structure have included an in-service for teachers which focuses on encouraging young women to continue studying science and using textbooks which provide many examples of positive role models for young women.

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<sup>1</sup> Based on the Persons Case whereby women were recognized as persons, in 1929.

### **Article 10(d)**

724. In addition to regular loan, grant, scholarship and bursary programs for students, Alberta offers the Maintenance Grant Assistance Program, established to ensure that students with special needs have the opportunity to acquire undergraduate degrees. Students considered for these grants are those who do not have normal prospects of completing their education without assistance in addition to that provided under other programs, e.g. single parents.

725. The Skill Development Grant allows that normal academic limits may be exceeded based on student's financial need. Single parents are the primary recipients.

### **Article 10(g)**

726. Alberta Community Development understands that the topic of girls and women in sport deserves special attention and believes that girls and women have the right to a full and equal range of opportunities as participants, competitors and leaders in sport in Alberta. The Ministry is currently developing strategies to address the issue of female participation in sport.

## **Article 11: Employment**

727. The Alberta government has a clear policy against sexual harassment for its employees. It will not tolerate sexual harassment in the workplace and has in place a Sexual Harassment Training Program which consists of a half-day training module that deals with employees' questions and issues in this area.

728. The Alberta Human Rights Commission investigates sexual harassment complaints under gender, disseminates material on sexual harassment, provides speakers on sexual harassment and assists organizations in establishing sexual harassment policy.

729. The Alberta government offers employees a variety of courses, three of which are pertinent to women: Creating and Managing Supportive and Flexible Work Environments; Lifelong Caring for Self and Others; and a Wellness Program.

### **Article 11.1**

730. In 1993, a statistical profile was prepared by Women's Policy and Programs to provide an overview of labour force characteristics, education characteristics and income levels of women in Alberta. This document is available to the public and government departments.

731. A *Women in Business Directory* containing a database of 2,100 names is distributed throughout Alberta. It was printed as a networking tool and has been very successful. Alberta Economic Development and Tourism has a full-time "Women in Business Home Based Coordinator", who provides education, information and advocacy for women in business with a strong emphasis on home based business.



732. During the reporting period, direct government operating grants to day care centres were gradually reduced and the savings were used to increase financial benefits for low income families requiring child care. Single parent families headed by mothers were the main beneficiaries of the increased benefits.

#### **Article 11.1(c)**

733. In March 1991, Alberta Career Development and Employment published a workshop manual and Leader's Guide, entitled *Children, Challenges and Choices: Single Moms Planning for Tomorrow*, to provide pre-career planning groundwork for single young mothers who are social assistance recipients, to assist them in bridging to career planning and ultimately to greater independence. The workshop is currently delivered through local career development centres located across the province.

734. In April 1991, Alberta Career Development and Employment updated and republished its statistical report on women in Alberta, entitled *Women in the Labour Market, and in Education and Training Programs in Alberta*. The Department also surveyed the needs of Alberta women who were seeking employment, to identify what sectors of the target population are most in need and what publications would best serve their needs.

735. In 1993, Alberta Advanced Education and Career Development produced a statistical profile, entitled *Part-time Employment Trends in Alberta 1975-1992*, to serve as an information piece for career development officers and other government departments.

#### **Article 11.1(d)**

736. Alberta Labour has produced a comprehensive booklet for women entitled *Retirement Planning, A Guide for Women*. This guide outlines the key steps to retirement planning.

#### **Article 11.2**

737. In 1992, the Alberta Court of Appeal upheld an earlier Board of Inquiry decision that pregnant employees were entitled to be treated like sick employees for the "health-related portion" of an absence during pregnancy, including the post-delivery period. Therefore, they are entitled to sickness benefits during the health related portion of their leave.

#### **Article 12: Health care**

738. In April 1992, the Meeting of Directors' Task Group on Sexual Health completed an Implementation Review of the Sexual Health Programs in health units which highlighted the need for service and ongoing education opportunities for those working with sexual health programming.

739. The Alberta government supported a three-day western Canadian conference entitled "Communicating About Sexuality: Facing the Challenges", which took place in March 1994. The primary objective of the conference was to enhance knowledge and provide an update for

those working in the area of sexual and reproductive health on current research, knowledge and skills in the areas of sexual health education, counselling and clinical services.

740. The Alberta government is moving to include midwives as one of the providers women can access for publicly funded maternity services. In 1992, midwifery was recognized as a profession in Alberta under the *Health Disciplines Act*. Recently, the Midwifery Regulations Advisory Committee produced a draft report outlining registration requirements and scope of practice. The government anticipates that Albertans will have fully regulated access to the services of midwives by the Spring of 1995.

#### **Article 14: Rural women**

741. In 1991-92, the Alberta Rural Child Care Pilot Project was funded by the Alberta Agricultural Initiatives Program. The rural child care project sought to implement and evaluate a variety of child care projects on Alberta farms and demonstrated that rural child care is feasible, affordable and is beneficial to parents, children, care givers and the farm operation. As a result of the success of the pilot project, farm/rural child care in Alberta is now a joint project of rural women's organizations.

#### **Article 15: Women's equality with men before the law**

742. Female offender initiatives include: special addictions, life management and health programs with a women's issues focus; hiring of Native elders to visit provincial prisons; availability of female mental health practitioners; specialized visiting programs for women with children; bail facilitation programs; and contracting with Elizabeth Fry for visitation and programming for women.

743. The Victims' Programs Assistance Fund was established in 1991. Surcharge assessments imposed by the court on those who are convicted under the *Criminal Code*, the *Narcotics Control Act* and the *Food and Drug Act* are deposited into the fund. Individuals, groups or organizations providing or proposing to provide services to victims of crime may apply for funding. Though not targeted specifically at women, funds have been allocated to, among other things, women's shelters and sexual assault centres. Funds total approximately \$500,000 annually.

#### **Article 16: Marriage and family**

744. The Family Policy Grid, approved by government in 1991, provides a framework for departments to use in developing and assessing policies affecting families. It requires that all departments of government review their policies, programs and legislation to ensure they support and encourage families. The principles focus on family well-being, family roles, family diversity, family support, family commitment and responsibility, family interests and partnerships with families.

745. The Premier's Council in Support of Alberta Families has an ongoing advisory role with respect to government policies, programs and services which may impact on family life

in Alberta. The Council works closely with government departments in addressing the issues that could undermine family life. The role of women is very significant in the strength and well-being of families. The Council works closely with Alberta Community Development in addressing the issues that negatively impact on women and interfere with their ability to be supportive and contributing members of the family.

746. The Office for the Prevention of Family Violence continues its efforts to reduce family violence in Alberta. In response to the growing interest and commitment of community groups and individuals throughout the province, the Office provided additional funding of \$200,000 for the 1991-92 to 1993-94 fiscal years to support innovative community-based family violence prevention projects. During Family Violence Prevention Month and throughout the 1991-92 to 1993-94 fiscal years, Community Project Funding supported 93 educational initiatives.

747. The Office for the Prevention of Family Violence continues to distribute to quarterly newsletter FOCUS, highlighting such issues as abused immigrant women, family violence in rural communities and Native issues.

748. The Alberta government expended over \$7 million on women's emergency shelters and satellite shelters in 1993-94. Funding of community groups was increased by \$500,000 to support the ongoing operation of six Rural Family Violence Prevention Centres (formerly known as satellites) in rural communities. These facilities provide abused women and their children with short-term crisis accommodation for up to seven days. In addition, the satellites offer a range of services according to community needs which are funded by both the government and community.

749. The Alberta government's family violence activities are co-ordinated by an Interdepartmental Committee on Family Violence, made up of representatives from 11 departments. As a result of this committee's recommendations, 27 initiatives were undertaken in 1992-93 including: the *Family Violence is a Crime* public awareness campaign; release of a discussion paper on *Elder Abuse and Neglect*; and incorporation of family violence and healthy family functioning themes into Alberta's school curricula through teacher training.

#### **Article 16.1(d)**

750. Departmental family violence initiatives were introduced in October 1990, and have impacted all three areas of the criminal justice system — the police, the courts and corrections. Education programs continue to be delivered to police and prosecutors on an annual basis. Guidelines were issued to all Alberta police services, and copies to all chief Crown prosecutors, in October 1990, March 1991 and December 1993, relative to the handling of family violence cases.



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## 10. BRITISH COLUMBIA

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751. This section will update the information contained in British Columbia's submission to Canada's third report on the Convention to March 31, 1994.

### Article 2

752. In November 1991, the British Columbia government established the Ministry of Women's Equality, Canada's first free-standing ministry dedicated to equality for women. The Ministry develops and delivers programs that expand choices and promote economic security and personal safety for women in their communities. To do this, the Ministry advocates, leads, consults and educates on equality for women, and supports service delivery in the areas of child care, stopping the violence against women, wage equality, equality in the workplace, social justice and skills development. For the 1994-95 fiscal year, the Ministry has 252 full-time equivalents and a total budget of \$203,769,000.

753. The Ministry of Women's Equality has become the leading agency in a major government strategy aimed at stopping violence against women. This includes responsibility for co-ordinating a government action plan involving a \$10 million commitment of funding for 1994-95. The total amount of monies committed to stopping the violence against women is about \$30 million, \$21 million of which supports transition houses, safe homes, and second-stage housing programs. This funding also supports 40 agencies throughout the province that provide services to children who witness abuse, and core funding for the B.C./Yukon Society of Transition Houses.

754. The action plan, summarized in the document *Stopping the Violence: A Safer Future for B.C. Women*, builds on the work of earlier inquiries, particularly the report of the Task Force on Family Violence, *Is Anybody Listening?*, and the parallel First Nations report, *Family Violence in Aboriginal Communities*.

755. Stopping the violence initiatives have included:

- Up to 80 new counselling services for women who have experienced violence, in more than 100 communities;
- 11 new sexual assault/woman assault centres, nearly tripling the number of funded centres in the province; and
- 145 new spaces in transition houses across British Columbia.

756. In 1993-94, the Ministry of Attorney General allocated \$1.2 million in funding for 17 sexual assault centres, complementing the \$817,000 in funding from the Ministry of Women's Equality. The two ministries work in partnership to stop violence against women, with the

Ministry of Women's Equality providing approximately \$500,000 for sex offender and assaultive-male treatment programs.

757. Women with disabilities comprise 16 percent of British Columbia's population and face additional barriers and discrimination in our society. The government's action plan to address violence against women includes measures to address the unique requirements of women with disabilities, such as grants to make women's centres wheelchair accessible, start-up and renovation grants for new crisis counselling initiatives, and grants for the purchase of special resources for the hearing impaired. The Ministry of Women's Equality has also contracted DAWN (DisAbled Women's Network) Canada to identify and offer solutions to the unique problems of disabled women who have experienced violence.

758. In 1992-93, Aboriginal organizations received more than \$89,500 in grants for initiatives to stop violence against women in over 80 communities. Projects funded included development of a Native Women's Assault Centre, creation of counselling services for women who have experienced violence, workshops on family violence dynamics and a conference promoting health and wellness. In 1993-94, the Ministry of Women's Equality funded 20 projects in Aboriginal communities through the Women's Equality Grants program, for a total of approximately \$216,000. Many projects dealt with ending family violence. The provincial government action plan to stop violence against women included \$2 million administered through the British Columbia Aboriginal Health Council, to address family violence in Aboriginal communities.

759. The ministers of Attorney General and Women's Equality released a detailed status report in September 1993 on new and ongoing justice initiatives. This report responds to recommendations in the 1992 report of the Law Society of B.C. Gender Equality Committee. The initiatives include family law reform, treatment of women in the courts, the justice system's response to violence against women and women in the legal profession.

760. In June 1992, the *Human Rights Act* was amended to protect individuals from discrimination on the basis of family status or sexual orientation. The amendments will prevent discrimination in areas such as tenancy, employment, and membership in trade unions and occupational associations. The 1993 amendment to the *Human Rights Act* prohibits the publication, issue or display of hate literature and hate activities, protecting women and others who are covered by the Act.

761. The *Ombudsman Act* was amended in 1993 to ensure that it is an offense to discriminate against anyone who makes a complaint, gives evidence, or assists the Ombudsman in an investigation. Women no longer need to fear they will lose their jobs because of complaints they file regarding improper treatment, sexual harassment or sexual discrimination.

762. The *Multiculturalism Act*, created in 1993, establishes the provincial government's commitment to cross-cultural understanding and to help build a society free of racism. As women have traditionally accounted for over half of B.C.'s ethnic population, this legislation benefits women by providing services that promote positive race relations.

763. Recent changes to the *Residential Tenancy Act* recognize that female tenants in particular experience harassment by landlords, and provide that tenants can get permission to change their locks so that landlords cannot enter without permission. Other amendments to this Act created a rental protection system to help tenants dispute unjustifiable rent increases and an emergency repair support system.

764. Revisions to the *Limitation Act* will permit civil actions for damages arising from sexual assault at any time, and extend the limitation period for women who have suffered from breast implants until December 1995.

### Article 3

765. In 1994-95, the Ministry of Women's Equality committed over \$1.3 million in operational funding to 36 women's centres throughout the province. This is an increase of seven new centres, each of which also received \$10,000 in funding for purchasing equipment, improved access for disabled women, staff training, and the purchase of additional resource material. These centres assist women to obtain information or gain access to needed support services, jobs and training, child care and housing.

766. *Child Care: Choices at Work* is part of the provincial government's child care plan and is providing \$42 million to improve B.C.'s child care system — this is in addition to \$58.3 million committed by the government in the last two years to create 15,000 licensed spaces in child and family day-care centres by 1996. *Choices at Work* expands on these goals by:

- creating more choices that meet the needs of working families;
- providing child care at a cost families can afford;
- ensuring safe and healthy places for children; and
- renewing child care to better meet local needs.

767. Other government programs aimed at improving child care in the province include the following:

- Through BC21 — a comprehensive plan to invest in the future of all British Columbians — the provincial government will invest \$32.3 million between 1993 and 1996, to create and retain child care spaces.
- The Infant/Toddler Incentive Grant program responds to the critical shortage of child care for parents with very young children, and has increased the number of licensed, quality child care spaces for children under three years.
- Needs Assessment and Planning Grants are available to help communities plan for and develop community-based child care needs and services.



- Quality Enhancement Grants are available to communities to assist with development of projects which improve child care accessibility, quality and affordability for families with unique child care needs.
- The Child Care Facilities and Equipment Grant Program is available to create or keep open new licensed group child care spaces.
- The Child Care Support Program, which supports informal caregivers and increases access to child care for low income families, has been expanded to serve more communities and to provide resource and referral services for all types of child care.

## Article 7

768. The British Columbia government's Employment Equity Program is designed to ensure, among other things, the greater representation of women in management level positions within the public service. This helps to ensure that women are more involved in the decision-making processes of government.

769. The British Columbia government's commitment to gender equality is reflected in appointments to government agencies, boards and commissions. A high priority is also placed on ensuring representation of the four designated Employment Equity groups: women, persons with disabilities, Aboriginal people, and visible minorities. Between November 1991 and June 1994, women comprised 54 percent of all new appointments.

770. A 17-member independent Provincial Child Care Council has been established to give communities input into child care policies and programs in British Columbia. Nominations to Council are received from communities throughout B.C., and appointments are made by the Minister of Women's Equality. Members of Council have diverse backgrounds in the field of child care, and are representative of families and caregivers, various types of child care services, and a variety of community groups. Council members, representing 12 regions across the province, provide expert advice to the government on the development and evaluation of child care programs, focusing on accessibility, quality, stability, affordability, fair and equitable salaries, training, and infrastructure development.

771. In 1993-94, the Ministry of Women's Equality provided funding to the Aboriginal Women's Council for consultations on self-government.

772. The *Child, Youth, and Family Advocacy Act* is in the process of establishing an independent advocate for children, youth and families on both an individual and a community level. This will give women the opportunity to participate in problem resolution at the community level.

## Article 10

773. In 1994, the provincial government introduced a comprehensive new approach to education and training for students, workers and the unemployed, as part of a plan called

*Skills Now*. The Ministry of Women's Equality is working in partnership with the Ministry of Skills, Training and Labour to address equality for women within this initiative.

774. Apprenticeship is one of the goals of the *Skills Now* program. A major focus of the Provincial Apprenticeship Board is to increase the participation of under-represented groups in apprenticeship training programs by ensuring fair access to apprenticeship certification, training and job placement. A forum of federal, provincial and territorial labour ministers has undertaken a study of equity in apprenticeship across Canada, and will report on best practices and recommended options for implementing change.

775. The Federal-Provincial-Territorial Working Group on Education and Training/Retraining, led by British Columbia, produced a video, *Raising Young Voices*, for parents, teachers and school administrators. This video is part of a package that includes three discussion guides which examine the impact of gender socialization on the self-image and aspirations of young women. The video and guides will be distributed in the spring of 1995.

776. Through the Women's Equality Grants Program, the Ministry of Women's Equality annually provides \$12,500 to fund 25 bursaries at colleges and universities for women pursuing education in women's studies or in male-dominated fields of study.

777. The Ministry of Education has a Gender Equity Program with a mandate to improve opportunities, access and support for all girls and women in the B.C. education system by promoting the principles of gender equity.

778. The Science and Technology Division of the Ministry of Employment and Investment has overseen a number of projects affecting women during the 1993-94 fiscal year. Through the ministry's Partners in Science Awareness Program, many projects targeting women received funding.

779. The Ministry of Women's Equality, in partnership with the Science and Technology Division of the Ministry of Employment and Investment, recently completed *Changing Times, Changing Views*, which is an inventory of exemplary programs encouraging girls and women to enter the fields of science, math, technology and engineering.

780. The Teen Parent Program was established to provide financial assistance for child care to children of young parents in order that the parents may continue with their secondary school education. There are currently 20 teen parent programs across the province, many of which also provide counselling and other support services for young parents.

781. In June 1992, the Minister of Social Services announced the removal of the three-year time limit on educational and training courses for persons on income assistance. This will allow longer periods of college and university enrolment for recipients of income assistance, the majority of whom are women.

## Article 11

782. British Columbia introduced a pay equity program for the public service in September 1990. The first adjustment under the program was in January 1991 to approximately 11,600 employees working in female-dominated job classes. A second interim adjustment took effect April 1, 1992, for a total of \$23 million. As part of the pay equity program for the public service, the government is working with the British Columbia Government Employees' Union to develop a gender-neutral job evaluation plan, scheduled to be fully implemented in the fall of 1994 for the union's 28,000 members.

783. Amendments to the *Human Rights Act* have made it easier for employers to implement employment equity programs by removing pre-approval requirements. These amendments also allow the B.C. Council of Human Rights to make general recommendations concerning employment equity programs, and to order employers to adopt such programs where the employer has been found to contravene the *Human Rights Act*.

784. In 1993-94, 44 percent of all new complaints received by the B.C. Council of Human Rights were about sexual discrimination. Over 90 percent of these were from women. The Council sponsored several educational plans to ensure that women's workplaces are free from discrimination and harassment.

785. The Worker's Compensation Board occupational safety and health regulations were expanded in April 1993 to cover farmworkers, many of whom are immigrant women.

786. In June 1993, the Ministry of Skills, Training and Labour introduced amendments to improve gender equity in the provision of worker's compensation survivor benefits. Spouses of deceased workers will no longer be cut off from benefits if they remarry. Men account for the vast majority of work-related fatalities, so the disentitlement to benefits primarily affected women.

787. The same amendments also extended worker's compensation coverage to virtually all provincial workers as of January 1, 1994. Worker's compensation coverage now includes banking, office and domestic employees, areas of the provincial workforce dominated by women.

788. The *Pension Benefits Standards Act* took effect in January 1993. This requires pension plans to provide minimum survivor benefits, forbids termination of pension benefits on remarriage, and also prohibits discrimination in pension membership, benefits or contributions based on sex.

789. The Ministry of Women's Equality Grants Program provides grants of up to \$10,000 to non-profit societies for projects on workplace fairness.

790. The Government of British Columbia has adopted a gender-inclusive language policy for all government communications. This policy will help ensure that the reality of women's participation in the workplace and society is reflected in government communications.



791. In April 1991, the Ministry of Small Business, Tourism and Culture appointed the first Businesswomen's Advocate in British Columbia to work toward increasing women's participation in the creation of businesses and to improve their chances of survival and growth in the business community.

792. In February 1992, British Columbia's minimum wage went up to \$5.50 an hour and in April 1993 it was raised to \$6.00 an hour. These increases benefit over 75,000 workers, close to two thirds of whom are women.

793. In January 1992, the requirement that single income assistance recipients with children over six months of age must seek paid employment was removed.

## Article 12

794. In March 1992, the Minister of Health and the Minister of Women's Equality announced new measures to improve women's access to contraception and abortion, including:

- new regulations under the *Hospital Act* and the *Hospital Insurance Act* to ensure women in every area of British Columbia are able to choose hospital abortions;
- enhanced counselling, surgical abortion services and contraceptive education through three free-standing clinics; and
- a Minister's Task Force on Access to Contraception and Abortion Services to identify barriers to access, taking particular note of geographic, cultural, economic and age-related concerns.

795. In January 1994, the British Columbia Women's Hospital and Health Centre was established as a provincial resource to provide a full range of women's health services to the women of British Columbia. The Women's Health Centre offers outpatient treatment and counselling for osteoporosis, recurrent pregnancy loss, sexual health, premenstrual syndrome and adolescent gynaecology, as well as bone densitometry and ultrasound services. The Centre also co-ordinates emergency hospital services for women who have experienced sexual assault and is operating a pilot program for women and children with HIV/AIDS in conjunction with the B.C. Children's Hospital.

796. British Columbia was the first jurisdiction in North America to introduce a government-funded mammography screening program. There are now 15 such centres in B.C. Three additional centres and two mobile units to serve Upper Vancouver Island and northern communities are scheduled to open this year.

797. The Pregnancy Outreach Program funded by the Ministry of Health provides education, support and food supplements to high-risk pregnant women and encourages them to make healthy behaviour changes.

798. The Ministry of Health sponsored a Women's Health Conference in September 1993, for organizations concerned with women's health to develop recommendations about B.C.'s health care system. In response to the moderator's report, the Minister of Health announced the establishment of the Women's Health Bureau and the Minister's Advisory Council on Women's Health, both of which ensure a strong voice for women in health issues. The mandate of the Women's Health Bureau is to promote a health care system which is sensitive to the needs of women by working within government and liaising with community groups and health care providers. The mandate of the Advisory council is to advise the Minister of Health on issues relating to the health needs of women, the development of health care policy and the delivery of women's health services.

799. The Residential Historical Abuse Program is sponsored by the ministries of Health, Social Services, Education and Attorney General to provide counselling and support to British Columbians who state that they were sexually abused while living in provincially-funded residential care facilities. Services are provided through registered clinicians and established non-profit counselling agencies throughout B.C.

800. The Women's Health Centre is sponsoring an Aboriginal Health Program in partnership with the Ministry of Health, Health Canada, the B.C. Cancer Agency and the Aboriginal community. The initial focus of this program is cervical cancer screening, as the death rate from cervical cancer is considerably higher in Aboriginal women than in non-Aboriginal women. This program will ultimately co-ordinate other Aboriginal women's health services throughout the province.

### **Article 13**

801. The Ministry of Government Services and Ministry Responsible for Sport and the Commonwealth Games provides an annual grant of \$100,000 to Promotion Plus, an advocacy group promoting greater participation by girls and women in sport and physical activity. The provincial government has also implemented a provincial gender equity policy and evaluation criteria for funding provincial sport organizations.

### **Article 14**

802. The Ministry of Women's Equality provides a regional presence throughout the province. Twelve regional co-ordinators in seven regions work with community agencies to support effective regional delivery of ministry programs.

### **Article 15**

803. New adult guardianship legislation is being implemented that will primarily affect senior citizens, the majority of whom are women:

- the *Representation Agreement Act* allows adults to appoint someone to handle their health, personal care, financial and legal affairs should they become incapable of making decisions independently in the future;

- the *Adult Guardianship Act* outlines a process for helping vulnerable adults who cannot remove themselves from a situation of abuse, neglect or self-neglect;
- the *Public Guardian and Trustee Act* creates the Office of the Public Guardian and Trustee, which assists adults, families and friends considering alternatives to court-appointed decision makers, and encourages family and friends to be appointed decision-makers if necessary; and
- the *Health Care (Consent) and Care Facility (Admission) Act* confirms the right of a capable adult to give or refuse consent to health care, and creates specific procedures for obtaining substitute consent in situations where an adult is incapable of making such a decision.

### Article 16

804. Changes to the *Family Maintenance Enforcement Act* will improve administrative and enforcement powers, increasing the effectiveness of the Act by assisting single-parent families — the majority of which are headed by women — to collect child support which more closely relates to the actual cost of raising children.

805. The *Family Relations Act* is changing to provide a comprehensive framework for the division of pensions upon marriage breakdown. This creates a formal procedure for pension division that protects the un pensioned spouse — most often a woman — and her children.

806. New rules for Provincial (Family) Court were announced in March 1993, designed to assist the court in making fair and prompt decisions on child support. Two booklets dealing with child maintenance and custody/access were created to help families who need to use Family Court. New, easier to use forms are also being developed.



Statistical Information on the Participation of Women in Politics, the Public Service and Judiciary			
	Total	Women	%
<b>Political Participation</b>			
Provincial Legislature (1993)	75	19	25.3%
Local Government (Dec. 1993) <sup>1</sup>	1181	250	21.2%
School Trustees (Dec. 1993)	523	268	51.2%
<b>B.C. Public Service (Dec. 1993)</b>			
Minister	18	7	38.9%
Deputy Minister	22	7	31.8%
Deputy Minister Status	6	1	16.7%
Associate Deputy Ministers	2	0	0%
Assistant Deputy Ministers	72	19	26.4%
<b>B.C. Judiciary<sup>2</sup></b>			
Court of Appeal Judges (July 1993)	23	4	17.4%
Supreme Court Judges (July 1993)	100	12	12.0%
Provincial Court Judges	129	24	18.6%

1. Includes mayors, councillors and regional directors. Figures are from the Ministry of Municipal Affairs and are approximate only because of gender-neutral names and the use of initials in government records. Where gender was indeterminable, individuals were counted as men. As a result, the percentage of women is likely higher than reported. The Ministry of Women's Equality reports the approximate percentage of women in local government for the same period as 24.2 percent.
2. As reported at pp. 50-1 of the report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession, *Touchstones for Change: Equality, Diversity and Accountability*. (Toronto: The Canadian Bar Association, August 1993)

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## PART IV: MEASURES ADOPTED BY THE GOVERNMENTS OF THE TERRITORIES

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### 1. YUKON

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#### Legal and other measures adopted since the Third Report

807. In the spring of 1994, the Yukon government proclaimed the *Yukon Advisory Council on Women's Issues Act*. The Act establishes an advisory council to:

- develop public awareness of the issues affecting the status of women;
- promote a change of attitudes within the Yukon so that women may enjoy equality of opportunity;
- encourage discussions and expressions of opinion by Yukon residents on issues affecting the status of women;
- review policies, programs, and legislation affecting women as directed by the Minister;
- advise the Minister with respect to such issues as the Minister may refer to the council for its consideration;
- advise the Minister with respect to such issues as the council considers advisable;
- encourage organizations and groups that promote the equality of women.

808. In 1992, a new *Workers' Compensation Act* was proclaimed. The Act was drafted to ensure that female and male workers received equal consideration under the legislation.

#### Actual progress made to promote and ensure the elimination of discrimination against women

809. In 1992 and 1993, the Women's Directorate initiated projects in the areas of education equity, violence prevention, workers and family responsibilities and women on social assistance.

810. In February 1993, the Minister responsible for the Status of Women established an Education Equity Committee headed by the Women's Directorate and the Department of Education to develop a four-year plan.

811. A survey on the Yukon's young women and their quality of life was also undertaken in 1993.

812. From January to March 1994, a three-month public awareness strategy was carried out, that focused on empowerment of youth and healthy relationships. The strategy involved school based workshops dealing with a variety of issues including: healthy relationships and dating violence; healing and talking circles for First Nations youth; self-defence for young women taught by women; goal setting for teens; personal empowerment and increased self-esteem for young children and youth guided imagery; mediation and internal dialoguing; participatory theatre which encourages youth to intervene through role-playing when they see oppression and/or violent behaviour.

813. The Women's Directorate and the Department of Education are continuing to develop curricula that emphasize the value of both genders in today's world and the contributions made by both in the past.

814. The Employee Assistance Program provides workshops for government employees on balancing work and family responsibilities.

815. In August 1992, the Department of Justice struck a Committee to Assess the Responsiveness of Yukon Justice to Family Violence. The Committee was comprised of members of the Justice Department and the Women's Directorate, the federal Crown Attorney's Office, the Royal Canadian Mounted Police and the judiciary. Their report, completed in September 1993, made 45 recommendations and was presented to the Minister of Justice. An inter-agency committee has been struck to monitor the implementation of these recommendations.

816. As part of the *Safe Places Program* to provide capital and operational funding to community groups for safety and support to abused women and their children, three shelters for abused women were established in the Yukon.

817. The *Teen Parent Access to Education Society* continues to develop programming, child care education and support services to pregnant teens and teen parents. The program provides teen mothers with on-site day-care which allows the young mothers to complete their high school education as well as receive education, training and support in parenting, life skills, nutrition, and child development.

818. The implementation of 26 initiatives in the *Child Care Strategy for the Yukon* announced in 1989, has resulted in the Yukon currently having the highest per capita number of licensed child care spaces in the country.

819. The Yukon government continues to participate on the joint federal-provincial-territorial *Child Support Guidelines Project*, to identify an appropriate formulae for the assessment of child support. The Yukon currently has one of the highest collection rates for maintenance support orders in the country.

820. Pursuant to article 8 of the Convention, several Yukon women have represented the Yukon government at the international level including the *Northern Forum* and on such



international organizations as the World Health Organization and the Elections Canada Monitoring Agency.

Remaining obstacles

821. Financial cutbacks in legal service delivery have required that priority be given to criminal legal aid, to the detriment of family and civil/administrative poverty law service whose clients are primarily women. This situation is detrimental to women's interest and will be addressed in future federal-provincial-territorial cost-share negotiations for legal aid service delivery.

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## 2. NORTHWEST TERRITORIES

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### Article 2(e)

822. The Department of Social Services continues its financial support to women's groups, and other organizations, for shelters to provide safe environments for abused women and their children, and for counselling, referral services, advocacy services and for public education programs on violence.

823. The Department of Justice provides funding for community victims services programs. The Victim's Assistance Committee, appointed by the Minister of Justice, administers a victims assistance fund that is generated through victim fine surcharges. Funding is allocated to victim-related activities including training, community conferences, public information and research.

### Article 2(f)

824. In the third report of Canada, reference was made to a review initiated to examine the functioning of the justice system as it involves and affects women and children. This resulted in a report, entitled *The Justice House*, delivered to the Northwest Territories Minister of Justice in May 1992. The report made 90 recommendations to both territorial and federal levels of government as well as to agencies with justice-related responsibilities, on improvements to make the administration of justice more fair to women. The report focused on issues of knowledge and education, access to justice, allocation of resources and legislation. A response with an action plan was tabled in the Legislative Assembly in December 1993. The response recognized that the justice system plays an important role in achieving equality for women. Many of the recommendations of the report have been acted upon by the Government. Work is still being undertaken on others.

825. Government initiatives on the elimination of violence against women are discussed under Article 5.

### Article 3

826. The *Advisory Council on the Status of Women Act* was replaced in 1990 with the *Status of Women Council Act* which created the Status of Women Council of the Northwest Territories. The *Status of Women Council Act* enables the Council to hire its own staff, to seek outside funding and to offer programs. This has facilitated the Council in greatly expanding its activities and raising the profile of women's equality concerns in the Northwest Territories. One of the objects of the Council is to promote a change of attitudes within the community in order that women may enjoy equality of opportunity.

#### **Article 4.1**

827. There has been a modification to the Government of the Northwest Territories Affirmative Action Policy to target women who are aspiring to management and non-traditional occupations. Such women applicants have Priority 2 status, coming after Indigenous Aboriginal Persons who have Priority 1 status. During the reporting period, women in the public service have out-numbered men, although they have been in the minority in management and non-traditional positions. Women in management positions have risen from 21 percent to 27 percent. Women in non-traditional positions have risen from 12 percent to 13 percent.

828. The Government of the Northwest Territories has developed procedures to allow people with family and other commitments to balance those commitments with their employment schedule. One mechanism is job sharing, where two employees share the hours of work of one full time position. The other is "flex-time" to allow employees to alter the start and end times of their work day while maintaining their normal number of hours worked each day.

#### **Article 5(a)**

829. In December 1993, the Government brought forward a background paper entitled *Building a Strategy for Dealing with Violence in the N.W.T.* which identified the need to address the issue of violence, particularly violence against women and children, by working to eliminate societal attitudes of tolerance and denial of violence. The Government is preparing a violence strategy for the fall of 1994.

830. In February 1994, the Legislative Assembly passed a Declaration adopting "zero tolerance" toward violence and endorsing the goal of eliminating family violence by the year 2000. The Declaration also encouraged municipal governments, Aboriginal organizations and other groups and agencies to adopt similar declarations. Some groups have done so.

#### **Article 7(b)**

831. Refer to the commentary under Article 4.1 on the Government of the Northwest Territories Affirmative Action Policy.

#### **Article 12.1**

832. The "Women's Health Project" began in 1992 as a result of a partnership between the Department of Health and the Status of Women Council of the Northwest Territories to further the education and empowerment of northern women as active participants in their own health care and health care service delivery. A package, nearing completion, will include pamphlets on self-esteem, health care rights and responsibilities, questions to ask the health care provider and safer sex. It will also include posters and a video on sexually transmitted diseases, including AIDS. The second stage of the project will include public service announcements for television on sexually transmitted diseases, a video for adolescent girls on



healthy lifestyle choices and, in collaboration with the Cancer Society, a video on breast and cervical cancers.

833. The Department of Health continues its work with the Department of Education, Culture and Employment on a school health curriculum that provides a forum for instruction on sexuality and birth control.

#### **Article 14.2(b)**

834. The "Women's Health Project", described in the commentary under Article 12.1, is developing educational materials through wide consultation that includes many northern women who live in remote communities. Plain language is used in the pamphlets and they are being translated into Aboriginal languages.

835. With a view to assisting rural women with low-risk pregnancies to have their babies closer to home, with the support and participation of their families, the Department of Health initiated the "Rankin Inlet Pilot Project" in 1993. The project is examining the extent to which women and infants can be helped safely through the perinatal period with the assistance of midwives, the extent to which the cultural and psychological needs of the women involved can be met and the extent to which the process is cost-effective.

#### **Article 16.1**

836. The departments of Justice and Social Services continue their work on family law reform. In September 1992, the *Family Law Review Report — The Report of the Ministerial Working Group on Family Law Reform* was submitted to the ministers of Justice and Social Services. The Report has been analyzed and the departments have released discussion papers on the implementation of recommendations. Many of the proposals focus on achieving equitable resolution of issues following the breakdown of relationships. This will have the effect of enhancing the equality of women.

837. The Maintenance Enforcement Program, that began operations in 1989, pursuant to the *Maintenance Orders Enforcement Act*, has had a steadily increasing workload and rate of success in enforcing support orders during the reporting period. A communications strategy has been initiated to increase public awareness of the Program and of family support obligations.

## ANNEX

**Table 1: Representation of women on elected public bodies (%)**

	<b>1991</b>	<b>1992</b>	<b>1993</b>
Legislature	12.5%	12.5%	12.5%
Municipal Councils	N/A	N/A	N/A
School Boards	N/A	N/A	N/A

N/A: information not available

**Table 2: Representation of women in the judiciary (1991-1993)**

	<b>Total office</b>	<b># of women</b>	<b>%</b>
Federal appointments	3	0	0%
Territorial appointments	5	1	20%

**Table 3: Women in senior government positions**

	<b>1991</b>	<b>1992</b>	<b>1993</b>
Ministers	2/8	2/8	2/8
Deputy Ministers	1/17	0/14	0/14
A/Deputy Ministers	3/24	2/20	4/19









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# **Convention on the Elimination of All Forms of Discrimination against Women**

## **Fifth Report of Canada**

Covering the period  
April 1994-March 1998

**Canada**





## FOREWORD

The *Convention on the Elimination of All Forms of Discrimination against Women* was adopted by the United General Assembly on November 7, 1967. Canada ratified the Convention on December 10, 1981.

States Parties are required to report to the United Nations on measures they have taken to give effect to the Convention. The present report was submitted to the Committee on the Elimination of Discrimination against Women in February 2002 and covers the period of April 1994 to March 1998. It was prepared in close collaboration by the federal, provincial and territorial governments and describes measures and initiatives taken by these governments with respect to the Convention.

The report is published so that it can be made available to interested groups and individuals. Through its publication, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Convention and to broaden their understanding of the obligations contracted by Canada through ratification of this important international treaty.

Copies of the report, in both official languages, may be obtained free of charge from the Human Rights Program, or at any regional office of the Department of Canadian Heritage. This report is also available on the Human Rights Program website at: <http://www.pch.gc.ca/ddp-hrd>.

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\* In geographical order, East to West



## List of Acronyms

AACWI	—	Alberta Advisory Council on Women's Issues
AAFC	—	Agriculture and Agri-Food Canada
ADM	—	Assistant Deputy Minister
APEC	—	Asia-Pacific Economic Cooperation
ATRA	—	Alberta Tobacco Reduction Alliance
CALACS	—	Canadian Association of Sexual Assault Centres (Québec)
CAP	—	Career Assignment Program
CBCI	—	Canadian Breast Cancer Initiative
CCTB	—	Canada Child Tax Benefit
CEDAW	—	<i>Convention on the Elimination of All Forms of Discrimination Against Women</i>
CFNIS	—	Canadian Forces National Investigation Service
CHR	—	Commission on Human Rights (United Nations)
CHRA	—	<i>Canadian Human Rights Act</i>
CHRC	—	Canadian Human Rights Commission
CHST	—	Canada Health and Social Transfer
CIDA	—	Canadian International Development Agency
CLSC	—	community health and social service centres (Québec)
CMHC	—	Canada Mortgage and Housing Corporation
CNIB	—	Canadian National Institute for the Blind
CPP	—	Canada Pension Plan
CSW	—	Commission on the Status of Women (United Nations)
CWC	—	Canadian Women in Communications
DAWN	—	DisAbled Women's Network
DFAIT	—	Department of Foreign Affairs and International Trade
DIAND	—	Department of Indian Affairs and Northern Development
DND	—	Department of National Defence
DVJS	—	Domestic Violence Justice Strategy (Ontario)
EAPD	—	Employability Assistance for Persons with Disabilities (Nova Scotia)
EI	—	Employment Insurance
FAS	—	fetal alcohol syndrome
FGM	—	female genital mutilation
FIS	—	Family Income Supplement
FRA	—	<i>Family Relations Act</i> (British Columbia)
FVPI	—	Family Violence Prevention Initiative (Nova Scotia)
GAATW	—	Global Alliance Against Trafficking in Women
GBA	—	gender-based analysis
GEA	—	gender equality analysis
GIS	—	Guaranteed Income Supplement
GST	—	Goods and Services Tax



HRDC	—	Human Resources Development Canada
HST	—	Harmonized Sales Tax
IAAW	—	Institute for the Advancement of Aboriginal Women (Alberta)
ICPD	—	International Conference on Population and Development
IMYM	—	Interdisciplinary Middle Years Multimedia Project (Manitoba)
LCDC	—	Laboratory Centre for Disease Control
LICO	—	low-income cutoff
LRA	—	<i>Labour Relations Act</i> (Ontario)
MCP	—	Management Class Positions (Nova Scotia)
MFE	—	Department of Child and Family Welfare (Québec)
MPEF	—	Maritime Provinces Education Foundation
MSSS	—	Department of Health and Social Services (Québec)
MWE	—	Ministry of Women's Equality (British Columbia)
NBWI	—	New Brunswick Women's Institute
NCB	—	National Child Benefit
NFB	—	National Film Board
NGO	—	non-governmental organization
NLS	—	National Literacy Secretariat
NSCC	—	Nova Scotia Community College
NP	—	Nurse Practitioner
OAS	—	Old Age Security
OAS	—	Organization of American States
OECD	—	Organisation of Economic Co-operation and Development
OHS	—	occupational health and safety
OLT	—	Office of Learning Technologies
OPS	—	Ontario Public Service
OSCE	—	Organization for Security and Co-operation in Europe
PARE	—	Physical Abilities Requirement Evaluation
PLEIS	—	Public Legal Education and Information Service (New Brunswick)
PRF	—	Policy Research Fund
PSAC	—	Public Service Alliance of Canada
RCMP	—	Royal Canadian Mounted Police
RCP	—	Reproductive Care Program (Nova Scotia)
RDA	—	Regional Development Authority
RHA	—	Regional Health Authority (Alberta)
RNs	—	Registered Nurses
SEP	—	Shelter Enhancement Program
SIN	—	Social Insurance Number
SME	—	small- and medium-sized enterprises
SMIP	—	Special Measures Initiatives Program
SPA	—	Spouses Allowance
STD	—	sexually transmitted disease
SWC	—	Status of Women Canada

UNHCR	—	United Nations High Commissioner for Refugees
VRDP	—	Vocational Rehabilitation of Disabled Persons (Nova Scotia)
WCB	—	Workers' Compensation Board
WGIP	—	Working Group on Indigenous Populations (United Nations)
WHO	—	World Health Organization
WIPO	—	World Intellectual Property Organization
WITT	—	Women in Trades, Technology, Operations and Blue Collar Work
WRED	—	Women and Rural Economic Development (Ontario)
YIIP	—	Youth International Internship Program





## Introduction

1. Canada ratified the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) on December 10, 1981, and submitted its initial report in June 1983, its second report in January 1988, its third report in September 1992 and its fourth report in September 1995. This is the fifth report submitted by Canada under the Convention. The main period covered is from March 31, 1994 to March 31, 1998 (with occasional references to developments of special interest that have occurred since.)
2. Canada is a federal state of 10 provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan), and three territories (the Northwest Territories, Yukon and Nunavut, this last territory having come into existence on April 1, 1999). While the ratification of international treaties is the prerogative of the Government of Canada, their implementation requires the active participation of the governments with jurisdiction over the subject matters covered. Under Canada's constitutional division of powers, jurisdiction over some areas affecting women's lives falls jointly to federal and provincial/territorial governments. In other cases, aspects fall solely under provincial/territorial jurisdiction, such as the provision of social services. Strictly federal responsibility includes such areas as criminal law. Therefore, efforts to advance women's equality require a commitment and partnerships among all levels of government.
3. Information about Canada's political and legal structure is presented in the *Core Document Forming Part of the Reports of States Parties: Canada*, submitted by Canada to the United Nations in 1997, which forms part of Canada's periodic reports under international human rights treaties (to the United Nations).
4. Additional information regarding the situation of women in Canada can be found in Canada's response to the UN Questionnaire on Implementation of the Beijing Platform for Action.
5. This fifth periodic report is composed of four parts. Part I contains an introductory overview of the situation of women in Canada. Part II contains a review of measures relevant to CEDAW adopted by the federal government. Part III contains a review of measures adopted by the provincial governments, as prepared by these governments. Part IV contains a review of measures adopted by the territorial governments, as prepared by these governments. The report follows, as much as possible, the guidelines issued by the Committee on the Elimination of Discrimination Against Women. The concluding comments adopted by the Committee have also been taken into consideration, as has paragraph 323 of the Beijing Declaration and Platform for Action which invites state parties to include information on measures taken to implement the Platform for Action in their reports to the Committee.



# **PART I**

## **Overview**



6. In 2000, Canadians will mark the 30th anniversary of the groundbreaking *Report of the Royal Commission on the Status of Women* and the 15th anniversary of the coming into force of s. 15 of the *Canadian Charter of Rights and Freedoms*, which formally entrenched women's equality within the Canadian Constitution.
7. Over the 30-year period since the Royal Commission on the Status of Women, Canada has made significant progress in the advancement of the status of women. The efforts of individuals, governments and non-governmental organizations (NGOs) have enabled Canada to reap many social and economic rewards, which benefit all Canadians. Women and women's organizations, in particular, have been instrumental in this progress.
8. Canadian legislation, policies and programs are subject to the *Canadian Charter of Rights and Freedoms*. Sections 15 and 28 of the Charter provide constitutional protection for gender equality. Section 15 prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, or analogous groups, which has been interpreted to include sexual orientation. Section 28 provides: "Notwithstanding anything in this Charter, the rights and freedoms referred to it are guaranteed equally to male and female persons." The Charter generally governs the relationships between governments (federal, provincial and municipal) and individuals rather than between individuals. Federal and provincial human rights codes extend similar prohibitions against discrimination to the private sector.
9. Canada is committed to advancing gender equality and women's human rights through our domestic and international activities. Canada's promotion of gender equality is based on a belief that equal rights for women are an essential component of progress on human rights and democratic development, and sustainable development will only be achieved if women are able to participate as equal decision makers in, and beneficiaries of, that development.
10. Canada, along with all United Nations member states, was called upon to formulate a national plan to advance the situation of women, both within its own borders and globally. *The Federal Plan for Gender Equality*, presented in 1995 at the Fourth United Nations World Conference on Women in Beijing, is Canada's response to that request. The Federal Plan is both a statement of commitments and a framework for the future, representing a collaborative initiative of 24 federal departments and agencies, led by Status of Women Canada.
11. The Federal Plan has eight objectives:
  - to implement gender-based analysis throughout federal departments and agencies
  - to improve women's economic autonomy and well-being

- to improve women's physical and psychological well-being
- to reduce violence in society, particularly violence against women and children
- to promote gender equality in all aspects of Canada's cultural life
- to incorporate women's perspectives in governance
- to promote and support global gender equality
- to advance gender equality for employees of federal departments and agencies

12. Many of the specific measures taken by Canada toward the fulfilment of these objectives are discussed in more detail in Part II of this report. Highlights include the following:

- Guides and symposiums have been prepared on gender-based analysis by several federal departments. Research and information have improved through the inclusion of questions on unpaid work in the 1996 Census.
- A federal-provincial/territorial initiative worked toward the development of gender-sensitive indicators. In 1997, the ministers responsible for the status of women published *Economic Gender Equality Indicators*.
- The federal government's *Gathering Strength: Canada's Aboriginal Action Plan* responds to the final report of the Royal Commission on Aboriginal Peoples and includes many initiatives with an impact on Aboriginal women.
- Sexual orientation has been added as a prohibited ground of discrimination under the *Canadian Human Rights Act*. This law is applied to employment in the provision of goods and services by the federal government and federally regulated businesses, such as banks and airlines.
- There is a continued commitment to reduce family violence through ongoing funding for the third phase of the Family Violence Initiative.
- The \$4.3 million Shelter Enhancement Program (SEP) resulted in the upgrading of existing shelters for abused women to acceptable standards and addresses the needs of children, older clients and persons with disabilities. Since 1995, 3,000 shelter units have been enhanced under this program.
- Criminal justice initiatives include restrictions to the ownership and use of firearms, limits to the defence of self-induced intoxication, more effective peace

bonds, the provision of longer sentences for hate crimes and the prohibition of the practice of female genital mutilation (FGM).

- There have been improvements in the living conditions of federally sentenced women.
  - The federal *Employment Equity Act* has been strengthened.
  - The Canadian Opportunities Strategy increases accessibility to post-secondary education for persons with dependants and those with disabilities.
  - A care giver credit, introduced in the 1998 budget, partially recognizes unremunerated work, most of which is performed by women.
  - The new National Child Benefit (NCB) system was implemented on July 1, 1998 as a collaborative effort by federal and provincial/territorial governments. About half of the beneficiaries are lone-parent families headed by women.
  - The \$6 billion Canada Child Tax Benefit (CCTB) was introduced in 1997 and subsequently augmented.
  - The Centres of Excellence for Women's Health Program was established in 1996.
  - There have been key reforms to the child support system.
13. There continues to be a distinct gender division of labour in Canada. For much of this century, men's work was concentrated in the paid market economy, while women's work consisted largely of the unpaid activities related to managing the household and caring for children and family members.
14. Since the 1950s, female participation in the paid labour force has more than doubled. Women now comprise close to half (46 percent) of all paid workers in Canada. Men's labour force participation, on the other hand, has experienced a small but steady decline, mostly due to earlier retirement. Nonetheless, men are still somewhat more likely than women to be paid labour force participants, and spend more total time working for pay.
15. In the past, relatively few women with children worked for pay. In the 1960s, labour force participation was very low for women with children under age 6, and, over her lifetime, a woman could expect to give birth to an average of four children. Today, the fertility rate has fallen below the replacement rate of two children per woman, and women with children account for much of the increase in female labour force participation. More than six out of ten women whose youngest child is of preschool age are employed, and most are working for pay on a full-time basis.



16. With respect to paid work, although considerable advancements have been made in increasing the representation of women in all types of occupations, women still tend to be concentrated in jobs that parallel the kinds of unpaid domestic and caring work they have historically done in the home. In the late 1990s close to 68.5 percent of employed women work in teaching, nursing, clerical, sales and service jobs. Women are also much more likely than men to have non-standard employment (jobs where the employee does not work full time, full year for a single employer). This is especially evident with respect to part-time work (less than 30 hours of paid work per week), with women accounting for 70 percent of the part-time work force. Female-dominated and non-standard jobs are typically low paying, and have fewer benefits, such as pension or drug plans.
17. Virtually all adults in Canada do unpaid work; however, some kinds of unpaid work appear to be more equally shared between men and women than others. For instance, women perform more than 70 percent of meal preparation, cleaning, clothing care, child care and other dependent care. Together, these tasks accounted for more than half of all time spent on unpaid work in 1998. The type of unpaid work largely done by men includes repairs and maintenance. Tasks that are more equally shared between men and women include household management and shopping, transportation and travel. Men are responsible for slightly less than half the time spent on these types of unpaid work.
18. In addition to gender inequalities, experiences of paid and unpaid work also differ among women. For example, several groups of women — including women in a visible minority group, Aboriginal women and women with disabilities — are less likely to participate in paid work than other women in Canada, and when they do they experience higher rates of unemployment. Women with preschool children devote more time to unpaid work than women without children, or those whose children are older. Older women are the most likely to provide unpaid care to elderly relatives.
19. Women in Canada spend about the same amount of time doing work of economic value (paid and unpaid) as men. In 1998, the average total workload was 7.8 hours for both. However, the allocation of time was different, as the amount of time spent at paid work is not offset by a decline in the time spent on unpaid work. For example, women with children who were employed full time spent an average of 10 hours per day working, compared to eight hours per day for women who were not employed who had children. As women's involvement in the paid work force increases, responsibility for housework is more likely to be shared with their partner, although men's contributions do not increase enough to approach parity.
20. Because of the ongoing gender division of labour, it is still women who limit their paid work to care for dependents and other family members. Women are responsible for more than 70 percent of all time spent on helping and caring for children and other family members. Women also spend, on average, more than twice the time that men do on

primary child care. The gender imbalance in households where both spouses have full-time employment is substantial. Furthermore, women with children tend to alter their paid work arrangements to meet demands of unpaid work, while the age or presence of children has little similar impact on men's paid or unpaid work patterns. The struggle to balance paid and unpaid work responsibilities leads to high levels of time stress, especially among employed women with young children. This stress, in turn, takes a toll on women's health. The trend of de-institutionalization in Canada's health care system has placed increased burdens on women as caregivers in the home.

21. In the 1996 Census questions on unpaid work, one in six people (or approximately 17 percent of the population 15 and over) responded that they provided some care to seniors. This was defined to include such activities as providing personal care to a senior family member, visiting seniors, talking with them on the telephone and helping them with shopping, banking or with taking medication. More women than men (19 percent versus 14 percent) reported providing such care. The time spent caring for seniors depended largely on whether an individual had elderly parents or other elderly relatives. The Census data showed that the proportion reporting hours of care to seniors increased as respondents approached middle age, then tapered off. Those aged 45 to 54 had the highest proportion (23 percent) of individuals providing unpaid care to seniors.
22. Although women do more total work than men do, their incomes are lower. Comparing average total income before taxes, women in Canada receive 38 percent less income than men (as of 1997). This gap is related to a number of factors, such as the concentration of women in part-time and non-standard employment, family responsibilities, their over-representation among lone parents and seniors who have few or no earnings, and their under-representation among those with higher education. However, the income gap has closed steadily since 1986, when the figure was 51 percent. Canada's progressive tax system and the redistributive effects of government transfer payments also help to improve the gender balance in income. After taxes, women receive 33 percent less income than men.
23. More women than men live in poverty. Because economic autonomy and well-being are linked to access to income from the paid labour force, women are more likely than men to live with low incomes. Certain groups of women are particularly at risk; almost 49 percent of all elderly women living alone and 56 percent of female lone parents live in poverty. This has direct implications for the well-being of children because those living with lone mothers accounted for 40 percent of all children living in poverty in 1997. Although the rate of low income remains high among the elderly, the situation has improved since the early 1980s when nearly 70 percent of elderly women living alone had low incomes.
24. Fifty-four percent of all people below the Statistics Canada low-income cutoff (LICO) in 1997 were women; 19 percent of the female population, and 24 percent of all women 65 or older, lived below the Statistics Canada LICO that year.



25. In 1995, 37 percent of visible minority women and 43 percent of Aboriginal women not resident on a reserve, or in the territories, lived in a low-income situation. In 1997, the same was true of 56 percent of female lone parents.
26. Many social policy programs allocate benefits using the family as the basic unit of administration. However, there have been significant changes to the organization of family life in Canada over the last few decades. This poses a challenge to policy makers for the development of programs that recognize the universal nature of unpaid work, encourage economic autonomy and gender equality, and are compatible with broad national and social objectives.
27. Family forms are becoming more diverse in Canada, and a growing percentage of people live alone. Many factors have contributed to the diversity of family arrangements. For example, the marriage rate has fallen and marriage is being delayed. At the same time, the divorce rate has risen dramatically since the late 1960s, largely as a result of legislation in 1968 easing divorce restrictions. Trends in divorce, as well as an increase in births outside of a conjugal relationship, have also contributed to the growth in the number of lone-parent families. In 1996, families headed by one parent (over 80 percent of whom are women) account for nearly one in six families in Canada, up from one in ten in 1981.
28. The changing attitude of Canadians toward marital unions is also reflected in the increased popularity of common-law relationships. Over the last 15 years, the share of common-law families doubled from 6 percent to 12 percent. And there is increasing recognition of same-sex relationships. Successful challenges under the equality provisions of the *Canadian Charter of Rights and Freedoms* have led to an increasing acknowledgment of same-sex couple families. This has led Canadian governments and employers to review policies regarding family status and eligibility for qualifying for social and employee benefits.
29. As a result of women's increased participation in paid work, dual-earner families have become the norm in Canada. Both partners work for pay in 61 percent of two-partner families. In half of dual-earner families, both partners work full time. The percentage of dual-earner families has been relatively stable in the 1990s, following two decades of growth. However, the proportion of families where neither partner had earnings has increased gradually, reflecting the aging of the population and the trend toward earlier retirement from paid work. For an increasing number of families, women have become the sole earners. This has contributed to the increasing income gap between dual-earner and single-earner families because women tend to earn less than men in the paid labour force.
30. The majority of Canadian children live in two-parent families where both parents are employed in the labour force. In 1996, there were 4.8 million children under the age of 15



living in two-parent families. Both parents were working in the case of 60 percent of these children, up from 43 percent in 1981 and 58 percent in 1991.

31. The 1996 Census showed that trends for preschool children under the age of 6 were similar to those for all children under the age of 15. The proportion of preschoolers whose parents were both working for pay has also increased during the last 15 years. In 1996, both parents were working in the case of 56 percent of these preschool children, compared with 38 percent in 1981 and 52 percent in 1991. The proportion of preschool children living in a female lone-parent family in which the mother was working for pay has declined slightly during the last 15 years. In 1996, the single mother was employed in the case of 38 percent of these children, compared with 41 percent in 1981.
32. The 1996 Census also showed that only 35 percent of female lone parents had completed a post-secondary certificate or degree, compared to about 53 percent of women with partners.
33. At the same time, the number of two-parent families with one partner staying at home to manage the household and care for the children has decreased dramatically since 1976. As a result, less than one in five families with children under the age of 16 had a stay-at-home parent in 1997, compared with half of families in 1976. The proportion of families where fathers are at home to care for children has remained close to one percent.
34. Education is key to women's equality. It has a profound impact on women's access to employment and on women's economic independence. The changing nature of employment in Canada and elsewhere requires Canadians to be prepared to make several career changes during their adult lives. As well, the emergence of the knowledge-based economy and society in Canada has made women's access to education and training even more imperative as technical and scientific fields become the key elements for growth. However, women receive less employer-sponsored training. Women's and men's job-related training participation rates are similar, but women receive fewer hours of training.
35. In general, access to higher education has increased. For example, in 1996, 12 percent of women aged 15 and over, and 14 percent of men, were university graduates, as compared to 1971 when 3 percent of women and 7 percent of men had a university degree. The gap continues to close, as women currently make up a slight majority of students in Canadian universities. As of 1998, more women graduated from post-secondary institutions than men did.
36. In 1997-98, women accounted for about 29 percent of university students in mathematics and sciences and for 22 percent of students in engineering and applied sciences — key growth areas in the knowledge-based economy and society. Women are still under-represented in enrolment in doctoral programs and on college and university faculties.

Rates of higher educational attainment by Aboriginal women continue to lag behind those of non-Aboriginal women.

37. Although women in Canada have a longer life expectancy than men (by six years), isolation, illness or disability may mark those additional years. Cardiovascular disease is the major cause of death among women in Canada. And, while breast cancer is the most frequently diagnosed cancer among women, lung cancer is the leading cause of cancer death for women.
38. In Canada, women have made advances in numbers and influence in political, economic and social decision making over the last decade. At the same time, they continue to be under-represented in decision-making positions. For example, after the federal election in 1997, Canada's House of Commons had the largest number of women representatives ever elected in Canadian history, with 20 percent of its members being women. By comparison, in provincial legislatures 18.4 percent of members are women.
39. The Statistics Canada 1993 Violence Against Women Survey showed that 51 percent of all Canadian women had experienced at least one incident of physical or sexual violence since age 16. Twenty-nine percent of women who had ever been married or lived in common-law relationships had been physically or sexually assaulted by their partner at some point during the relationship. Children witnessed violence against their mothers in four out of ten marriages where violence was reported.
40. The rates of both sexual and non-sexual assaults against women reported to police have increased since the passage of criminal law reforms in 1983. When measured 10 years later, sexual assault reports had increased by 152 percent and physical assaults by 62 percent.
41. According to a homicide survey conducted by Statistics Canada in 1996, married women are seven times more likely to be killed by a spouse than by a stranger.
42. To continue to undertake effective efforts to address violence against women, root causes — such as the social context of power imbalances and ongoing systemic attitudes and values — should be explicitly named along with the vulnerability to violence that is experienced differently by the various communities and age groups of women. These include Aboriginal women, immigrant women, visible minority women, refugee women, women with disabilities, live-in domestic workers, women from linguistic minorities, senior women and young women. In fact, the 1993 Violence Against Women Survey found that the rate of victimization of young women in the months prior to the study was almost three times higher among 18- to 24-year-olds (27 percent), than for women in general (10 percent).

43. There is not yet a clear picture of whether violence against women has decreased or increased in Canada. Reports from a sample of 61 police agencies across Canada indicate that between 1993 and 1996 the number of reported cases of spousal assault dropped by seven percent. These statistics look promising. However, a large number of cases are still not reported to the police. Of those women who reported being victims of spousal violence in the Violence Against Women Survey, only 26 percent had reported an incident of violence to police.
44. Statistics Canada also publishes an annual statistical review of family violence, *Family Violence in Canada: A Statistical Profile* (available at <http://www.statcan.ca>). In 2000, Statistics Canada will release the results of its General Social Survey — Victimization Cycle, which will provide trend information on violence against women and baseline information on the experience of violence in the general population, particularly among older adults.
45. Statistics Canada released *Women and Men in Canada: A Statistical Glance*. Produced for Status of Women Canada, the report provides a snapshot of gender equality in Canada using data from 1997.
46. A more comprehensive overview of the status of Canadian women will be available with the publication of the fourth edition of *Women in Canada — A Statistical Report* to be completed and published by Statistics Canada in 2000.



## **PART II**

### **Measures Adopted by the Government of Canada**

## Article 2: Anti-Discrimination Measures

47. In 1982, the *Canadian Charter of Rights and Freedoms* was enacted. The Charter, also known as the *Constitution Act, 1982*, provides constitutional protection of individual rights. According to s. 1, it guarantees the rights and freedoms set out therein "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." As a result, any law, regulation or act, of any level of government in Canada, or any government agency, as well as all court decisions, must conform to the Charter within the meaning of s. 1. The Charter applies to relationships between an individual and government, rather than between individuals which are covered by provincial bills of rights.
48. Section 15 of the Charter ensures equal protection and equal benefit of the law for all Canadians without discrimination, and s. 28 guarantees that all the rights covered in the Charter apply equally to men and women. The *Canadian Human Rights Act* (CHRA), passed in 1977, prohibits discrimination in employment and services within federal jurisdiction. The Act provides a list of prohibited grounds of discrimination, which was expanded last year to include sexual orientation. The CHRA creates the Canadian Human Rights Commission (CHRC), which investigates, settles and prosecutes complaints of discrimination. It also creates the Canadian Human Rights Tribunal, which hears and adjudicates complaints. Amendments to the CHRA in 1998 made the Tribunal a permanent court-like body.
49. The Court Challenges Program, originally established in 1985 through the former Department of the Secretary of State, was introduced to fund private cases involving challenges to federal policies, laws or practices pertaining to equality rights protected by ss. 15 and 28 of the Charter. The Program was discontinued in 1992. However, following widespread public demand, it was reinstated in October 1994. The current Program provides funding to selected challenges to federal law, policy or practices, with the exception of complaints under the *Canadian Human Rights Act*.
50. In addition to the legal instruments to combat discrimination, a number of other agencies promote anti-discrimination measures at the provincial, territorial and federal levels. For example, the Law Commission of Canada, which was established on July 1, 1997 under the *Law Commission of Canada Act*, is mandated to engage Canadians in the renewal of the law to ensure that it is relevant, responsive, effective, equally just and accessible to all. The Commission is an independent agency of the federal government. It was established to provide the government with independent, broadly based advice on legal policy issues. Commission projects include historical child abuse in public institutions, adult relationships of dependence and interdependence, relationships involving older adults, transformative justice, workplace relationships in transition, the role of legislation and the governance of research on human subjects.

## Article 2 (c): Protection of Women's Legal Rights

51. There have been several important Supreme Court of Canada cases relating to women's equality during the reporting period. Although many of the cases mentioned below do not deal with sex-based discrimination, they are important to women's equality and are particularly relevant to women exposed to double disadvantage by virtue of such personal characteristics as disability, religion, marital status, sexual orientation or race. These cases arise out of claims of discrimination pursuant to s. 15(1) of the Charter, or under human rights legislation. Also included are cases relating to women's equality in the criminal law context.

### Section 15(1)

52. In *Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624, the Supreme Court reiterated that s. 15(1) of the Charter protects against direct, as well as adverse effects, discrimination. The latter type of discrimination does not require a discriminatory purpose or intent but merely that the effect of the measure is to deny an individual equal protection or benefit of the law. The Court held that the failure to provide sign language interpretation for deaf patients in hospitals where necessary for effective communication violated the appellants' equality rights. The appellants in *Eldridge* were a deaf woman who needed medical treatment for her diabetes, and a deaf couple who were attending at the birth of their twin girls.
53. Considerable advances were also made during the review period with respect to the equality rights of lesbians. In *Egan v. Canada*, [1995] 2 S.C.R. 513, the Supreme Court held that although "sexual orientation" is not listed as a ground of discrimination in s. 15(1), it constituted an analogous ground on which claims of discrimination may be based. In *Vriend v. Alberta*, [1998] 1 S.C.R. 493, the Court held that provincial human rights legislation which omitted the ground of sexual orientation violated s. 15(1).
54. A majority of the Supreme Court in *Miron v. Trudel*, [1995] 2 S.C.R. 418, recognized "marital status" as an analogous ground of discrimination. The exclusion of common-law (unmarried) spouses from accident insurance benefits was found to violate their equality rights.
55. In *Thibaudeau v. Canada*, [1995] 2 S.C.R. 627, a majority of the Supreme Court held that the legal requirement stating that when separated or divorced parents compute their income for tax purposes, they must include amounts received from their former partners for child support, did not constitute sex-based discrimination. The Court found that the requirement did not impose a burden or disadvantage when examining the situation of the post-divorce family unit.



56. In response to the negative reactions of women, women's organizations and the media to the *Thibaudeau* decision, the federal government responded to these concerns through Bill C-93, which amended the *Income Tax Act* to eliminate this treatment of child support. It received Royal Assent on April 25, 1997. Under the new rules, child support paid pursuant to a written agreement or a court order made on or after May 1, 1997 is no longer deductible to the payer, or included in the income of the recipient for tax purposes.
57. In *Benner*, the Court held that the imposition of additional requirements for the granting of citizenship to children born abroad prior to February 15, 1977, to a Canadian mother (as opposed to a Canadian father) constituted sex-based discrimination.
58. In *R. v. S. (R.D.)*, [1997] 3 S.C.R. 485, the Court was asked to determine whether comments made by a Black female judge about police treatment of minorities raised a reasonable apprehension of bias. A majority of the Court found that the remarks did not raise a reasonable apprehension of bias and that, in general, judges should be aware of social context — including the prevalence of racism or gender bias in a particular community in rendering their decisions.

## Human Rights Legislation

59. In *Gibbs v. Battleford and District Co-op Ltd.*, [1996] 3 S.C.R. 566, the Court reiterated that human rights legislation is “fundamental” or “quasi-constitutional,” and that it should be interpreted in a broad and purposive manner. The Court held that a female employee had been discriminated against when her disability insurance benefits were terminated after a two-year period because she suffered from a mental disability as opposed to a physical disability.
60. There have also been several cases before the lower courts regarding pay equity. The federal as well as some provincial human rights statutes contain provisions embodying the general principle that men and women should be given equal pay for work of equal value. Disputes in these cases often relate to the methodology used to compare the wage differentials between predominately male occupational groups and predominately female ones.

## Women's Equality in the Criminal Law Context

61. In *R. v. Biddle*, [1995] 1 S.C.R. 761, one of the issues before the Court was whether the use of the Crown's power to tailor the jury constituted an abuse of the jury selection process or created a reasonable apprehension of bias. The appellant was convicted on two counts of assault causing bodily harm and two counts of choking with intent to commit an indictable offence. The two victims were women. The Crown successfully empaneled an all-female jury. While the majority of the members of the Court decided that it was not necessary to deal with the issue, two (female) members of the Court found that there was

no abuse of the system in empaneling an all-female jury. Moreover, there was no evidence that an all-female jury could not act impartially in judging the case before them. To find otherwise would be applying impermissible stereotypical assumptions. Of particular interest is McLachlin J.'s statement: "I see no reason to suppose that an all-woman jury cannot be as impartial as all-male juries have been presumed to be for centuries."

62. In *R. v. Daviault*, [1994] 3 S.C.R. 63, the Court held that it was unconstitutional to not allow the defence of voluntary drunkenness to a general intent offence. In *Daviault*, the accused had sexually assaulted a 65-year-old disabled woman but was acquitted at trial because there was a reasonable doubt as to whether he had the minimal intent required to commit the offence because of his extreme intoxication. This decision resulted in considerable criticism from women's groups and others. In response, the federal government amended the *Criminal Code* to specify that the defence of self-induced intoxication will not be available for particular offences (including assault) where the accused departs markedly from the standard of care generally recognized in Canadian society.
63. In *R. v. Park*, [1995] 2 S.C.R. 836, the Supreme Court of Canada restored a sexual assault conviction. In this case, the appellant had put forward the defence that no sexual intercourse had occurred or, in the alternative, that he mistakenly believed the victim had consented to sexual intercourse. In her reasons, L'Heureux-Dubé J. expounded on the issue of consent in sexual assault trials. She expressed the view that in order to combat the stereotype regarding consent held by men, the focus must shift from whether there were words or actions consistent with no consent, to what actions or words communicated by the complainant grounded the accused's honest but mistaken belief in consent. This case arose prior to the *Criminal Code* section that stipulates the meaning of "consent" for sexual assault offences. These provisions generally require that an accused must take reasonable and definitive steps to ensure that the complainant consents to engaging in sexual activity.
64. A majority of the Supreme Court of Canada in *R. v. O'Connor*, [1995] 4 S.C.R. 411, reaffirmed that the Crown had a duty to disclose all relevant records in its possession to the defence, including the victim's therapeutic records (in this case, sexual assault counselling records). With respect to records in the hands of a third party (as compared to the state), the Court in *O'Connor* established a procedure for the production of such records. A minority of the judges were of the view that, in determining whether private records in the hands of a third party should be disclosed to the defence, the accused's right to make full answer and defence should be balanced against the victim's right to privacy and the right to equality without discrimination. Subsequent to this decision, the *Criminal Code* was amended to codify a specific procedure for the disclosure of private records in the possession of the Crown or a third party to defence counsel where the accused has been charged with a sexual offence. The purpose of the procedure is to protect the privacy and equality rights of victims of sexual offences while, at the same time, preserving the

accused's right to a fair trial. The Supreme Court of Canada recently upheld the latter amendments as constitutional.

## **Article 2(d): Public Authorities and Institutions**

65. *Setting the Stage for the Next Century: The Federal Plan for Gender Equality* was released in Canada on August 11, 1995, and tabled at the Fourth United Nations World Conference on Women in Beijing. The Federal Plan represents a collaborative initiative of 24 federal departments and agencies, led by Status of Women Canada (SWC), and is Canada's framework and blueprint for implementing the Beijing Platform for Action.
66. The Federal Plan's most strategic measure is a policy requiring federal departments and agencies to conduct gender-based analysis (GBA) of future policies and legislation. GBA is a key methodology for mainstreaming a gender perspective. It is being developed to ensure that federal policies have intended and equitable results for both women and men, and will assist the federal government in respecting the equality provisions of the *Canadian Charter of Rights and Freedoms* and international obligations.
67. SWC has been leading this analysis process, collaborating with other governments, as well as federal departments and agencies, in its staged implementation over a five-year period. SWC has developed and provided other departments with a series of tools and supports to assist them in implementing gender-based analysis. Notable among these is the publication *Gender-Based Analysis: A Guide for Policy-Making*, released in March 1996, as well as a series of presentations to departments and agencies initiated in the fall of 1996.
68. Although the implementation of GBA in public policy is still in its infancy, Canada has made some significant efforts. Examples of some key achievements in this area include:
  - developing tools and methodologies to carry out GBA, including a guide and brochure for policy makers
  - holding information sessions on GBA for managers and officials
  - stimulating GBA discussion through dialogue, roundtables, workshops, symposiums and conferences with governments, women's organizations and other non-governmental actors
  - contributing to the development of statistics and indicators to support GBA, such as the *Economic Gender Equality Indicators*, *Finding Data on Women: A Guide to the Major Sources at Statistics Canada*, and the *Guide to Gender-Sensitive Indicators* with its accompanying handbook



- developing gender-based research in the Government of Canada and with counterparts in other governments and international organizations
69. Several departments and agencies within the federal government have undertaken specific activities to advance gender-based analysis of the policies and programs within their mandates. This includes the production of customized training materials to meet their own particular needs. Some examples follow.
70. In 1996, the Department of Justice established the three-year Gender Equality Initiative headed by a Senior Advisor on Gender Equality, with a mandate to implement gender-equality analysis in all departmental activities. The following year, the Department adopted the Policy on Gender Equality Analysis. Subsequently, a report entitled *Diversity and Justice: Gender Perspectives, A Guide to Gender Equality Analysis* was developed and published. The Department also created an internal network of gender equality specialists in each sector to act as resources to colleagues in the development of policies, programs, legislation, legal opinions and research. Finally, in 1998, the Department of Justice began providing training on gender equality analysis to lawyers throughout the Department, including regional offices across the country.
71. Human Resources Development Canada (HRDC) has developed the *Gender-Based Analysis Background* and *Guide*, customized for the Department's needs and activities. The Deputy Minister has also issued a memo to executives encouraging the use of GBA as part of effective policy and program development within HRDC.
72. Health Canada's Women's Health Strategy includes a commitment to implement a gender-based analysis of the Department's research, policies and programs. Tools, methods and training materials appropriate to the health sector are being developed that will assist in implementing gender-impact assessments. Workshops are being held and women's health networks are being created in the line branches of the Department. The Women's Health Bureau is also using the Commonwealth framework to develop a Gender Management System for the health sector. In addition, as chair of the Commonwealth Working Group on Gender Equality and Health Indicators, the Women's Health Bureau has begun work on developing a conceptual framework for a system of gender equality and health indicators.
73. The Gender Equality Division within the Canadian International Development Agency (CIDA) is responsible for articulating the Agency's policy and good practices in gender equality. The Division's activities include:
- development of mechanisms to mainstream gender perspectives into CIDA's management, planning and performance assessment systems
  - contributions to the Agency knowledge base on gender equality

- participation in conferences and international policy dialogue on gender equality
  - management of information on gender equality issues, particularly lessons drawn from gender equality policy implementation in developing countries
74. Gender analysis and gender equality results are to be incorporated into all of CIDA's international cooperation initiatives, although application will vary among branches, programs and projects.
75. CIDA has underlined the importance of integrating gender considerations in all of its policies, programs and projects. Its Policy on Poverty Reduction and its Health Strategy (both released in 1996) and the 1997 Policy on Basic Human Needs, all recognize the need to address gender equality. At the program and project level, guidelines to promote the systematic application of GBA and a handbook on gender-sensitive indicators has been developed and widely distributed. In 1998, CIDA began a series of extensive consultations — including a virtual one with partners in Canada and around the world — to revise its policy on gender equality. Based on these consultations, an updated policy has been developed with a strong gender-mainstreaming, rights- and results-based approach to better serve policy makers and people in the field.
76. The Departmental Coordinator on International Women's Equality at the Department of Foreign Affairs and International Trade (DFAIT) is situated within the Human Rights, Humanitarian Affairs and International Women's Equality Division. The Coordinator heads up the International Women's Equality section which functions as the focal point on gender within the Department to promote gender equality and the human rights of women, including integrating gender perspectives into foreign policy development and operations.
77. The Department of Indian Affairs and Northern Development (DIAND) has developed its policy on gender equality analysis (GEA). It requires that GEA be used in the legislative, policy and program development processes, and that it be integrated into all of the Department's work, including:
- the development and implementation of policies, programs, communications plans, regulations, legislation, consultations and negotiations (including, but not limited to, self-government agreements, claims, treaty land entitlement, fiscal framework and devolution)
  - instructions and strategies on research, contracting, dispute resolution and litigation (This policy has been developed in consultation with the Department's Advisory Committee on Gender Equality and with other government departments. The *Guide to Gender Equality Analysis*, which explains how to apply GEA in the day-to-day work setting, has been developed and will be distributed within the Department.)

## Gender-Based Policy Research

78. New and significant initiatives in the area of gender-based research have also been developed to support gender-based analysis. For instance, Status of Women Canada (SWC) launched its Policy Research Fund following input from extensive national consultations held between March and May 1996. The primary objective of the fund is to support forward-thinking, independent, nationally relevant policy research on gender equality issues. The Policy Research Fund supports research which identifies policy gaps, trends and emerging issues, and provides concrete recommendations and alternative solutions to policies and programs affecting women. A small, non-governmental external committee, nominated by constituents, plays a key role in identifying priorities and research themes, choosing research proposals to be funded and exercising quality control over the final research products. Policy research themes explored to date include women's access to justice, women's paid and unpaid work, women's vulnerability to poverty, and the integration of women's diversity into policy research, development and analysis. Once the research is complete, it is available free of charge to the public and is also available on the SWC website <http://www.swc-cfc.gc.ca>
79. Other examples of research initiatives within the federal government which include a gender perspective are the Metropolis Initiative and the Policy Research Initiative.
80. A consortium of federal departments and agencies provides core funding for the Metropolis Initiative. It examines immigrant integration and the effects of international migration on urban centres. A gender perspective is to be factored into all the research being undertaken, with applicability to policy development.
81. The mandate of the Policy Research Initiative, launched in July 1996, is to build a solid foundation of horizontal research on which future public policy decisions can be based. The Initiative brings together over 30 federal departments and agencies, including SWC, which plays an active role in ensuring that a gender perspective is incorporated into all research activities.

## Article 2(f): Legislative Changes

82. In 1996, the *Canadian Human Rights Act* was amended to include sexual orientation as a prohibited ground of discrimination.
83. In 1998, the Government of Canada passed amendments to enhance the overall protective provisions of the *Canadian Human Rights Act*. These amendments included the addition of an express duty on employers and service providers to accommodate (up to the point of undue hardship) the needs of persons protected by the law, the establishment of a permanent human rights tribunal and improvements to the remedies provided by the Act.



## Article 2(g): Penal Provisions

84. Actions were undertaken between 1994 and 1998 to vitalize ss. 81 and 84 of the *Corrections and Conditional Release Act* (promulgated in 1992). The two provisions read:
- s. 81. "The Minister, or a person authorized by the Minister, may enter into an agreement with an Aboriginal community for the provision of correctional services to Aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.
  - s. 84 "Where an inmate who is applying for parole has expressed an interest in being released to an Aboriginal community, the Service shall, if the inmate consents, give the Aboriginal community
    - "(a) adequate notice of the inmate's parole application; and
    - "(b) an opportunity to propose a plan for the inmate's release to, and integration into, the Aboriginal community."

Sections 81 and 84 are intended to increase the reintegration potential of Aboriginal women offenders through community support.

## International Activities

85. Since the Fourth World Conference on Women in 1995, Canada has continued to advocate for the integration of a gender perspective in the work of international forums. This includes multilateral organizations, such as the United Nations, the Organisation for Economic Co-operation and Development (OECD), the Commonwealth, La Francophonie, and the Organization of American States (OAS).
86. Canada consistently stresses the importance of the full realization of the human rights of women in its relations with other countries, and at international and world conferences, including the International Conference on Population and Development and the Fourth UN World Conference on Women. For example, Canada took a lead role in ensuring that the 1996 Habitat II conference document, *Habitat Agenda and Global Plan of Action*, acknowledged the empowerment of women and their full and equal participation in political, social and economic life as essential to achieving sustainable human settlements.
87. Canada's international efforts with regard to gender equality include promoting and supporting the work of international organizations to integrate gender considerations — for example, the UN Economic and Social Council adoption of agreed conclusions on gender mainstreaming. Further mainstreaming efforts are under way at the Commonwealth, the OAS, the Organization for Security and Co-operation in Europe (OSCE), and the organization for Asia-Pacific Economic Cooperation (APEC).

88. Canada strongly supported the adoption of an effective Optional Protocol to the CEDAW creating both an individual complaints mechanism and an inquiry procedure. Canada was among those countries which originally proposed language in the Vienna Declaration and Program of Action (adopted at the 1993 World Conference on Human Rights) calling for an Optional Protocol to CEDAW. This was adopted and subsequently reaffirmed in the Beijing Platform for Action.
89. Canada supports the strengthening of the Committee on the Elimination of Discrimination Against Women which oversees CEDAW's implementation. In order to address the lack of meeting time available to the Committee — the shortest of any of the six human rights treaty monitoring bodies — an amendment to Article 20(1) has been officially accepted by Canada.

## **Article 3: Measures to Ensure the Advancement of Women**

### **Reducing Violence Against Women**

90. One of Canada's key objectives in its *Federal Plan for Gender Equality* is "reducing violence in society, particularly violence against women and children."
91. In 1997, the federal government confirmed its commitment to reduce family violence in Canada, particularly violence against women and their children, through the third phase of the Family Violence Initiative. Under the Initiative, federal departments collaborate to prevent family violence by integrating preventive measures in policy and programming. Ongoing additional funding supports research, knowledge dissemination through the National Clearinghouse on Family Violence and costs related to coordination. The key results anticipated from this horizontal approach are effective, efficient, coordinated federal policy development and programming, enhanced prevention of and improved response to family violence, development and implementation of community activities, increased public awareness and reduced tolerance of family violence in society. The 13 federal departments that currently collaborate in this strategy address housing, international development, immigration, corrections, culture, justice, employee assistance, health, social policy, Aboriginal peoples, law enforcement, national data collection and gender equality.
92. The federal intervention model depends on partnership with provincial, territorial and municipal governments, non-governmental organizations, academic institutions, professional associations, corporations and individuals to develop, implement and evaluate programming for effectiveness.

93. Under the present Family Violence Initiative, a number of important activities have been undertaken. For example, a policy focus group on violence against women was held to share information and identify priorities in areas such as public awareness, prevention, intervention and research, and an expert group on the cost of violence was also convened. Research was carried out on the issue of homelessness and family violence, and two projects are under way to review the impact of conditional sentencing in cases of family violence, and to examine the effectiveness of model family violence treatment programs for offenders.
94. A five-year report summarizing and evaluating the achievements of the current phase of the Family Violence Initiative will be prepared in 2002 for the Treasury Board Secretariat.
95. The Family Violence Initiative supports many activities intended to reduce violence against women. In 1997-98, federal government funding specific to family violence amounted to \$30.7 million. This figure includes direct allocations for shelter enhancements, family violence treatment for federal offenders and transfers to First Nations shelters and family violence prevention projects on reserves. It also includes an additional annual allocation of \$7 million which departments share to address identified gaps, operate the National Clearinghouse on Family Violence and coordinate the Family Violence Initiative. It does not reflect expenditures to carry out the regular work of departments. For example, ongoing policing provided by the Royal Canadian Mounted Police (RCMP), prevention programming provided to inmates by Correctional Services of Canada and housing initiatives provided by Canada Mortgage and Housing Corporation (CMHC) all incorporate elements intended to prevent family violence.
96. Other Canadian initiatives place priority on issues related to the safety, health and well-being of women, and help address violence against women, although they are not specifically directed to the prevention of family violence.
97. The National Longitudinal Survey of Children and Youth is a long-term study being conducted by Human Resources Development Canada and Statistics Canada. It examines a variety of factors thought to influence child growth and development. The study began in 1994, with data being collected at two-year intervals as the child grows from a newborn to an adult. The survey consists of a parent and child questionnaire given at home, as well as a teacher and principal questionnaire given at school. Some questions relate to child maltreatment, for example, traumatic events such as abuse, conflict between parents and parents' use of physical punishment. Based on the research, recommendations for governments, communities and individuals will be used to enhance child development.
98. The government's commitment to diversity and human rights demands that all Canadians have a right to dignity and respectful treatment, regardless of ethnic, racial, religious, gender or other differences. The Multiculturalism Program is working in partnership with



other federal departments such as Justice, the Solicitor General and Industry Canada, to develop a coordinated strategy to combat hate crime and bias activity.

99. The National Strategy for Community Safety and Crime Prevention promotes the integrated action of key governmental and non-governmental partners to reduce crime and victimization, and to assist communities in developing and implementing community-based solutions to problems that contribute to crime and victimization, particularly violence against youth, women and Aboriginal people. Its aim is also to increase public awareness and support effective approaches to crime prevention. Launched in 1994, Phase I consisted primarily of coordinating a range of federal initiatives that emphasized a proactive and social development model of crime prevention. It also emphasized building federal, provincial/territorial and community partnerships. Phase II, announced in 1998, enables the federal government to broaden its partnerships and support communities in designing and implementing innovative and sustainable ways of preventing crime.
100. Addressing violence in First Nations and Inuit communities is also a priority for the federal government. Federal support is provided to community-based services to help in the prevention, intervention and treatment of violence against women, and for research evaluation and professional training that increase recognition of abuse and explore healing models.

## **Criminal Justice Measures**

101. Violence against women, including physical and sexual assault, is considered a crime under the *Criminal Code*. The Department of Justice participates in the Family Violence Initiative and, as part of its responsive policy and programming, has amended the *Criminal Code* through several measures to provide enhanced protection to women and children from violence and sexual abuse.
102. Bill C-42 (omnibus amendments) included over 100 amendments to the *Criminal Code*. These amendments, proclaimed in 1995, included making peace bonds (protective court orders) easier to obtain and more effective, and increased the maximum penalty for a breach from six months to two years. They also included the reclassification of certain offences (known as dual procedure or hybrid offences). This allows the Crown prosecutor to choose to proceed summarily or by way of indictment. Proceeding by way of summary conviction is sometimes preferred in cases involving violence against women because it can avoid having the victim testify twice.
103. Bill C-72 (self-induced intoxication) clarified the criminal law to indicate that intoxication is not a defence to any general intent crimes of violence such as sexual assault and assault. It came into effect in 1995.

104. Bill C-41 (sentencing) included amendments to the sentencing provisions of the *Criminal Code*. These amendments, proclaimed in 1995, provide that where an offender, in committing the offence, abuses his spouse or child or a position of trust or authority, this shall be considered an aggravating factor for sentencing purposes. The restitution provisions were also amended to entitle a victim to seek restitution for actual and reasonable expenses for moving out of the offender's home to avoid bodily harm.
105. Bill C-27 (child prostitution, child sex tourism, criminal harassment and female genital mutilation (FGM)) included provisions to facilitate the testimony of young victims and witnesses of sexual exploitation. In addition, the legislation, proclaimed in 1997, allows for the prosecution of Canadians who travel abroad and sexually exploit children, strengthens penalties against those who exploit juvenile prostitutes and those who kill the victims they have stalked, and clarifies that the practice of FGM is an offence.
106. Bill C-46 (production of records in sexual offence proceedings) protects sexual offence victims by restricting the production of personal information records, such as psychiatric, therapeutic and counselling records. The legislation was proclaimed in 1997.
107. In 1996, the federal government introduced the *Firearms Control Act*. Key elements include licensing possession of firearms, a national registration system for all firearms and a mandatory minimum sentence in four years of prison, and a lifetime prohibition against the possession of a restricted or prohibited firearm on conviction of specific violent offences, including sexual assault with a weapon and aggravated sexual assault. These measures, intended to ensure greater community safety, will have an impact on women's safety. Registration of firearms will enhance women's safety by alerting police to the presence of firearms in scenes of family violence. In dealing with applications for firearms acquisition certificates, risk factors associated with incidents of family violence must be considered, and applications require spousal consent.
108. *Criminal Code* provisions relating to the defence of provocation, self-defence and defence of property are under review as a result of concerns expressed by a judicial inquiry and some women's groups that these provisions are not applied in a gender-sensitive manner.
109. The federal government is also reviewing an ad hoc process that has been in existence since 1992 to respond to requests from victims trying to change their identity to escape life-threatening spousal abuse. Through this process, victims are provided with a new, de-linked (i.e., no computer links) Social Insurance Number (SIN). Canada Pension Plan (CPP), tax and social benefit records are also securely re-created under the new SIN. Because of concerns about client safety, the federal government has initiated an interdepartmental project to complete in-depth work with the provinces and territories to determine whether a nationally coordinated New Identities Program can be implemented. This initiative seeks to support victims' services strategies by addressing the concerns of

victims of extreme family violence in relation to safety, restitution and the prevention of further violence.

110. Other justice system initiatives include seeking to improve the criminal justice system by making it more accessible to vulnerable groups, including Aboriginal women and women with disabilities.
111. The province of Saskatchewan adopted the first *Victims of Domestic Violence Act* in Canada in February 1995. This civil legislation is designed to provide an alternative, non-criminal response to victims of family violence. The provisions include emergency intervention orders which may provide for exclusive victim occupation of the home, and restrain the abuser from communicating with or contacting the victim or members of the victim's family. Victims' assistance orders may include monetary compensation from the abuser, and warrants of entry which allow police officers to obtain entry to a home where family violence is suspected. The second phase of an evaluation of the effectiveness of the *Victims of Domestic Violence Act* will be completed in 1999.
112. Other jurisdictions in Canada have enacted similar legislation. Prince Edward Island's *Victims of Family Violence Act* is the first provincial act to include emotional abuse as a form of violence. Manitoba's *The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act* is the first act to address civil remedies for stalking. Yukon has enacted its *Family Violence Prevention Act* and *Crime Prevention and Victim Services Trust Act*. Alberta's legislation, the *Protection Against Family Violence Act* was introduced in the Legislature during the 1998 spring sitting.

## **Training and Education in the Criminal Justice System**

113. Since January 1997, the Social Context Education Project at the National Judicial Institute has developed and delivered a range of programs examining the social context of judicial decision making for courts across the country. During these programs, judges have examined issues such as equality, impartiality, judicial independence and the process of decision making, as well as considering the needs of women and disadvantaged communities, such as Aboriginal peoples and racial minorities. The programs are available to both federally and provincially appointed judges.
114. As part of the Family Violence Initiative, the federal government provides training on family violence within its jurisdiction in the justice sector. The RCMP, Correctional Service of Canada personnel and members of the National Parole Board all receive such training.
115. As part of the Family Violence Initiative, in March 1998, the Department of Justice Canada hosted the Federal-Provincial-Territorial Forum on Spousal Abuse Cases, to



discuss and exchange best practices by police, Crown prosecutors, victims' services and policy experts relating to spousal abuse cases.

116. The First Nations Family Violence Course was developed by the Canadian Police College in collaboration with the First Nations Chiefs of Police Association, with funding provided by the Aboriginal Policing Directorate within the Department of the Solicitor General of Canada. The course has been offered on five occasions: May 1994, March 1995, 1996 and 1997, and January 1998. The course provides First Nations police officers with the skills and expertise to deal with family violence on reserves. The three-week course offers training in investigative techniques, including confronting the perpetrator, supporting the victims of family violence and attempting to guide both the victim and aggressor toward the proper community or justice resources. Having First Nations police officers trained in the area of family violence investigation can only serve to help women living on reserve feel more comfortable with reporting the crime to the police.

### **Supporting Community-Based Action**

117. The federal government provides funding for projects that address violence against women in a variety of community contexts. Following are some examples.
118. The Aboriginal Friendship Centre Network developed a framework for services and programs to meet the needs of urban Aboriginal women. The Women's Community Action Team in the Northwest Territories developed a series of community training modules in three Aboriginal languages.
119. The Calgary Coalition Against Family Violence, with funding from Status of Women Canada (SWC), worked extensively with women's shelters and transition houses to ensure that the needs of immigrant and visible minority women were met. The project resulted in changes to policies and procedures by agencies throughout the shelter movement, involving such areas as staffing and staff training, diet, child care and cultural interpreters.
120. Equay Wuk Women's Group was established in 1988 to represent the interests of Aboriginal women in the Nishnawbe Aski Nation of Northern Ontario. Women from 25 isolated First Nations communities are represented. Status of Women Canada has been a key partner in supporting Equay Wuk to develop and carry out a three-year, anti-violence strategy in northern communities. Anti-violence training manuals were developed based on meetings held with women in First Nations communities. The guides, in English and Oji Cree, have been used extensively in training health and social service workers. In addition, local women were trained to conduct workshops and to provide support to women in their communities.
121. As part of the Family Violence Initiative, efforts to increase access to information and services often have a community focus. In 1995, the government produced a booklet for

immigrant women entitled *Abuse is wrong in any language*. The government was also a key sponsor of the Canadian Mental Health Association's document, *Joining Together Against Violence, An Agenda for Collaborative Action*.

122. The Multiculturalism Program of the Department of Canadian Heritage has an allocation of \$215,000 per year for family violence prevention programming, as part of the Family Violence Initiative, for ethnic and visible minority communities, particularly for community members who are not fluent in either English or French. The Program is working with community NGO partners in the three largest Canadian urban centres to develop heritage language programming about family violence, including child abuse, for airing on ethnic radio and television stations. It has also developed, in collaboration with CFMT-TV (Canada's largest multilingual television station), a 30-second public service announcement about the impact of family violence on children. The announcement has been produced in 14 languages and was aired on all major ethnic television stations across Canada.
123. From 1992 to 1995, on behalf of the Family Violence Initiative, funding was provided by the Social Sciences and Humanities Research Council and Health Canada to establish five Research Centres on Family Violence and Violence Against Women across Canada. Based on partnerships among front-line workers, government officials and academics, each centre continues to carry out participatory research, the results of which are available from Health Canada's National Clearinghouse on Family Violence. In 1996, the centres formed an alliance, and, in 1998, SWC provided financial assistance to the alliance to develop recommendations for a national strategy on family violence prevention and the girl child.

### **Awareness and Education Initiatives**

124. Through the National Film Board (NFB), the federal government continues to produce films that stimulate discussion and promote action on the issue of violence against women. Since 1995, the NFB has assisted in the production of more than 10 English and French productions that focus on violence against women, including *De l'amour à la violence : trois femmes parlent*, *You Can't Beat A Woman* and *Mixed Messages: Portrayals of Women in the Media*. Through a partnership with the National Clearinghouse on Family Violence, these films are distributed to 38 partner libraries across Canada.
125. The Department of Justice Canada has developed various information materials to inform Canadians about their rights and responsibilities under the law, including a booklet entitled *Stalking is a Crime Called Criminal Harassment*, as well as a guide which explains how to do gender equality analysis in the prosecution of family violence cases. The Department has also developed information materials on spousal abuse for immigrant women and their service providers, and on the use of peace bonds.

126. In 1995, the federal interdepartmental Working Group on Female Genital Mutilation supported community consultations on FGM and the development of a literature review. In 1998, a workshop training module was developed for communities to address the health, legal and cultural aspects of this practice.
127. In April 1994, the federal government, as part of the Family Violence Initiative and in partnership with the Canadian Association of Broadcasters, launched a two-part national campaign to raise awareness about violence and to change people's attitudes toward violence. One major element of the "Speak Out Against Violence Campaign" was the broadcast, on a national scale, of a series of radio and television public service announcements. Phase I of the campaign focused on messages designed to raise awareness about violence in general.
128. Phase II of the campaign was launched in April 1996 and lasted a year. Entitled "Violence: You Can Make A Difference," it went beyond raising awareness of the issue of violence to giving practical information to Canadians for action against violence. It revolved around a new series of television and radio announcements on the themes of violence against women, violence against children and media literacy. To support this campaign, print materials were developed and distributed to communities across Canada.
129. An evaluation of Phase II of this initiative concluded that the campaign was successful. It found that violence issues, including family violence, are of concern to Canadians, that the television and radio public service announcements were well received and the print materials were useful to a wide variety of front-line workers, service agencies and other intervenors.
130. In June 1996, the Federal-Provincial-Territorial Forum of Ministers Responsible for the Status of Women released a resource guide entitled *Beyond Violence: Reaching for Higher Ground*. This guide catalogues violence prevention and intervention initiatives across the country, and aims to help governments and community organizations share information on best practices and avoid unwarranted duplication.
131. To mark Canada's National Day of Remembrance and Action on Violence Against Women (December 6) in 1998, the *Iqaluit Declaration of the Federal-Provincial-Territorial Status of Women Ministers on Violence Against Women* was issued. The Declaration reflects the shared vision of Canada's status of women ministers of safe, healthy communities in every region of the country and government commitments to end violence against women.



## **Shelters for Women Leaving Abusive Situations**

132. Transition homes in Canada have more than 85,000 admissions of women and dependent children every year. Eighty percent of these women are escaping abusive situations. From April 1, 1997 to March 31, 1998, there were 90,792 admissions to the 413 facilities that responded to the survey question — 47,962 women and 42,830 children. In a snapshot taken on April 20, 1998, the 422 shelters that provided data had 6,115 residents — 2,918 women and 3,197 accompanying children. Nearly 80 percent of the women and children living in shelters that day were there to escape abuse. These women were escaping from psychological abuse (78 percent), physical assault (67 percent), threats (48 percent) and sexual assault (26 percent). Non-abuse admissions for both women and children generally resulted from housing problems (almost three quarters of those women admitted for reasons unrelated to abuse).
133. The federal government has made a substantial investment in building and enhancing shelters in Canada. Its commitment to providing and enhancing housing for women and children in crisis continues through the \$4.3 million Shelter Enhancement Program (SEP), launched in 1996. The federal government upgraded existing second-stage housing and emergency shelters to meet acceptable health, safety and security standards, as well as to address the needs of children, older clients and persons with disabilities. It also constructed new family violence emergency shelters in First Nations communities, which opened in 1998-99. Since 1995, 3,000 shelter units have been enhanced under this program.
134. The largest period of growth came in the 1980s as the issues of violence against women and family violence gained attention at all levels of government. Much of the growth between 1989 and 1998 was due to the development of shelters in Aboriginal communities and in rural areas. In 1998 for example, 46 percent of shelters served rural areas (and may also have served urban/suburban areas), and 29 percent provided services to reserves. Currently, however, safe shelters in Canada accommodate about 90,000 women and children annually. An evaluation of the federal government's SEP will be conducted in 2000-01. As part of this evaluation, the question of "need," and the extent to which the Program addresses it, will be assessed where possible.

## **Conditions of Women in Federal Prison**

135. Women serving federal sentences make up approximately 4 percent of the total federal offender population. More than half of the 850 women offenders are in the community on conditional release.
136. In 1990, the Task Force on Federally Sentenced Women recommended the replacement of the sole federal Prison for Women with four regional facilities and an Aboriginal healing

lodge. The Task Force also recommended that these facilities operate on a community-living model and that women-centred programs be developed.

137. These five new facilities, accommodating medium and minimum security women, were operational by the end of the 1996-97 fiscal year, are located in Nova Scotia, Québec, Ontario, Saskatchewan and Alberta. Eighty-five percent of federally sentenced women are now housed in these facilities.
138. In April 1996, a few months before the opening of the new facilities, the commission of inquiry into a disturbance at the Kingston Prison for Women released its report. The Arbour Commission, in general, supported Correctional Service of Canada's plans for the new facilities but made several recommendations to further ensure there would be consistent improvement in the management of women offenders. In response to this report, the federal government committed to several key measures, including the following.
139. A Deputy Commissioner of Women's Corrections has been appointed to be responsible for all policy and program development for women offenders in the federal correctional system.
140. An external monitor has been appointed to oversee and report annually for the next three years on the systemic impacts, if any, of cross-gender staffing at the regional women's institutions. The project began in January 1998 with the second annual report being released in 1999. The final phase of the project is under way.
141. Correctional Service of Canada has amended its policy to state that, in a women's institution, there will never be an all-male institutional emergency response team used as a first response, and at no time will male staff ever participate in, or witness, a strip search of female inmates.
142. An exclusion order in place at the Edmonton Institution for Women authorizes the Correctional Service of Canada to have women only in front-line staff for three years, pending the final recommendations of the cross-gender staffing monitor.
143. The implementation of the new facilities for women included not only a new physical design but also the establishment of a program strategy for women offenders and a unique staff selection and training program. In addition to standard correctional officer training, front-line staff are required to participate in a 10-day modularized women-centred course.
144. The Okimaw Ochi Healing Lodge for Aboriginal women is the first institution of its kind in Canada, and was developed with and for the First Nations community. The majority of the staff, including the *kikawinaw* (director of the institution — "our mother" in the Cree language) are of Aboriginal descent. The Okimaw Ochi Healing Lodge opened in 1996

near Maple Creek, Saskatchewan, and operates at capacity with 28 women offenders. The interventions with the women are Aboriginal based, with a strong emphasis on culture and spirituality. There are full-time, on-site elder services available, and a major component is the strong link between the programs and the larger Aboriginal community. Women offenders at the Healing Lodge also have the opportunity to participate in the residential mother-child program.

145. With the regional facilities, the Correctional Service of Canada designed an environment which provides women with related opportunities to accept responsibility, learn new skills and successfully return to the community. The institutional design and operation is based on a community-living model. The inmate housing is provided through stand-alone houses clustered behind a main building containing staff offices, program space, a health care unit and visiting area. Each facility also has an enhanced security unit, which contains cells used for segregation and initial reception for new admissions. Each house accommodates 6-10 women and includes communal living space, kitchen, dining area, bathrooms, a utility/laundry room and access to the grounds. The women in each house are responsible for all their daily living needs, including cooking, cleaning, laundry, etc. There are no staff members in the houses; however, regular counts are done. As well, the facilities all have a perimeter fence with a detection system, and the doors and windows on each house have alarms.
146. During 1996-97, it became apparent that the community living concept and design of these facilities did not meet the needs of the maximum security population or the women with severe mental health needs, in terms of both security and programming. Based on a comprehensive review of operations and an assessment of the population, it became evident that some inmates pose an unacceptably high safety risk, or their mental health status was such that appropriate long-term clinical intervention could not be addressed within the community-living operation of the regional institutions. After examining a number of options, available accommodations in existing facilities where women are housed separate from the male population are being used as an interim measure.
147. The Correctional Service of Canada has also implemented two intensive mental health treatment programs — one at the Regional Psychiatric Centre in the Prairie Region and one at the Prison for Women in Ontario — for those women with significant mental health problems.
148. The Women Offender Initiative of the Correctional Service of Canada represents a new and innovative way of housing and assisting women. To date, it has proven to be a successful approach to correctional interventions for women offenders. It is anticipated that the initiative will continue to evolve within the gender-responsive framework established in *Creating Choices*, the 1990 Task Force Report.



## Support for Aboriginal Women

149. In January 1998, the Government of Canada launched Gathering Strength — Canada's Aboriginal Action Plan, a comprehensive long-term plan to develop healthy, more self-sufficient and economically viable Aboriginal communities.
150. Gathering Strength sets out commitments under four themes: renewing partnerships, strengthening Aboriginal governance, developing a new fiscal relationship, and building strong communities, people and economies. The aim of this integrated agenda is to improve living conditions, develop employment-related skills and promote economic development.
151. Aboriginal women living in poverty benefit from the integrated and numerous Gathering Strength initiatives, in particular:
- the development of a framework for welfare reforms focusing on economic development and job creation
  - the Aboriginal Human Resource Development Strategy which includes labour market programs and child care
  - the Aboriginal Workforce Participation Initiative which increases recruitment, employment, retraining and promotion of Aboriginal people
  - increased funding for housing, water and sewer projects on reserves
152. Canada has undertaken research and development of supports for Aboriginal entrepreneurs. Programs include: Aboriginal Business Canada; the Opportunities Fund; the Aboriginal Business Development Centre; Canada's Aboriginal Youth Business Strategy; and the Aboriginal Export and Trade Directory. These programs are particularly beneficial to Aboriginal women as their growth in self-employment is double that of women generally. An additional program, the Procurement Strategy for Aboriginal Business, was developed by the Department of Indian Affairs and Northern Development (DIAND) and is supported by Public Works and Government Services Canada. In 1998-99, 103 contracts were awarded to Aboriginal firms.

## Women Refugees

153. The Immigration Review Board *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*, issued originally in 1993, were updated in 1996 to clarify and strengthen the principle that adjudicating gender persecution requires making the links between a woman's gender, the feared persecution and one or more of the enumerated grounds for persecution.

154. The Guidelines now take into account Supreme Court of Canada decisions confirming that gender is the basis for entitlement to protection as a “member of a particular social group” — one of the grounds for recognition of Convention refugee status. As well, the amended Guidelines clarify that, in the context of civil war, sexual violence must be recognized as gender persecution.
155. In response to a request from the United Nations High Commissioner for Refugees in 1998, Citizenship and Immigration Canada hosted an international workshop of government officials, NGOs and Women at Risk program participants to examine challenges facing both governments and NGOs in the delivery of programs designed to protect refugee women. That workshop was followed by a national workshop on Canada's Women at Risk program. One outcome of these workshops is the Urgent Protection Pilot implemented in 1999. The Pilot was tested on women in need of urgent protection and involved expedited processing in their selection and resettlement. Women at Risk in need of urgent protection are now selected within 24 hours and resettled in Canada within 48-72 hours.

### **Proposals to Reform Immigration Legislation**

156. In November 1996, an independent advisory group was established to review legislation relating to immigration and the protection of refugees. Building on the report of the Legislative Review Advisory Group (released in January 1998) and subsequent public consultations, the Department of Citizenship and Immigration developed proposals to reform Canada's immigration legislation. These proposals were presented in a document entitled *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation*. This document contains several proposals of particular significance to women under consideration for immigration.
157. The government proposed to discuss (with provincial and territorial governments) a possible reduction in the length of sponsorships for spouses and children. Currently, the duration of a sponsorship is 10 years for all categories; while in Québec, the duration is three years for spouses. In keeping with Canadian values and important national policies in support of families and children, it was proposed to prohibit sponsorship by people in default of court-ordered obligations (alimony or child support) and people convicted of crimes involving domestic violence. Enacting a provision that suspends sponsorship obligations, if the sponsor or the sponsored immigrant is convicted of violence against the other person, would also recognize the overwhelming evidence of danger for the victim that any contact with the convicted person represents.
158. In the area of immigrant selection, the government proposed to undertake further research to determine how a new selection system might take into account the potential for the social and economic contribution of spouses. The government also examined its policies

in the area of employment for spouses of temporary foreign workers and instituted a spousal pilot project, automatically extending employment authorizations to spouses accompanying highly skilled foreign workers entering Canada for a period of more than six months. Programs of a more permanent nature are under consideration.

## **International Activities**

159. Canada continues to promote the mainstreaming of a gender perspective into programming and policy in the United Nations High Commissioner for Refugees (UNHCR). Canada was a strong proponent of the establishment within UNHCR of a senior coordinator for refugee women in 1989, and agreed to both staff and fund the position for three years. The senior coordinator drafted the UNHCR guidelines on refugee women, and the position has now become a permanent UNHCR post attached to the Program Policy Unit. This position is regarded as an important means of mainstreaming a gender perspective, and Canada continues to support strongly the work of the UNHCR in this regard. Furthermore, Canada has been, and continues to be, active within UNHCR Executive Committee discussions on conclusions related to gender persecution and women refugees. Canada continues to promote UNHCR reporting on steps taken to mainstream gender concerns in their activities, including efforts to follow up on the implementation of the Beijing Platform for Action.
160. The Department of Foreign Affairs and International Trade (DFAIT) works actively at the UN Commission on the Status of Women (CSW), the Commission on Human Rights (CHR) and the UN General Assembly to support resolutions calling for the elimination of violence against women, including the girl child, to recognize violence against women as a violation of the human rights of women, and to eliminate traditional or customary practices affecting the health of women and girls, including female genital mutilation (FGM).
161. As a result of a Canadian-led resolution at the CHR in 1994, a Special Rapporteur on violence against women was appointed. (The Rapporteur is in her third term, as of CHR 2000.) Support for this Canadian-led CHR initiative is increasing with over 70 cosponsors from all regional groups.
162. DFAIT recently launched a new research and policy development initiative on gender and peace building. This initiative focuses on the gender-differentiated experiences, accounts, impacts and perspectives of armed conflict. The policy work seeks to address, from a gender perspective, the broad issues of peace implementation, human security and the cessation of violence. The objective is to integrate a gender perspective into the Department's peace building policy development and peace implementation programming.



163. DFAIT is co-developing the Joint Canada-UK Gender Awareness Training Initiative for Civilian and Military Participants in Peace Operations. The training curriculum under development will enhance awareness of the gender dimensions of peace operations and provide participants with the ability to employ gender analysis in the field. This will be achieved through the provision of concrete skills and tools. The pilot is expected to be delivered in March 2000.
164. The Pearson Peacekeeping Centre has been involved with the creation of Gender Training for Peacekeepers. This course sensitizes those involved in peacekeeping with the trauma faced by local women in the areas of operation, including the impacts of culture and religion.

## Article 4: Temporary Special Measures

### Women's Equality and Role in the Federally Regulated Sector

165. The federal government is one of the largest employers of women in the country and, as such, has a responsibility to exercise leadership in promoting gender equality within the public service. The federal government is committed to increasing women's recruitment, development and promotional opportunities within the federal public service. One key objective outlined in *The Federal Plan for Gender Equality* is the advancement of gender equality for employees of federal departments and agencies.
166. The representation of women in the federal public service has gone from 42 percent in 1987 to 49.5 percent in 1996; in 1998, that figure rose to 50.5 percent. Despite these advances, women in the public service have yet to attain gender parity with men in terms of career development, opportunities for advancement and job security.
167. A number of initiatives are under way to improve the representation of women in non-traditional public service occupations.
168. There are recruitment campaigns to attract women to non-traditional occupations and programs, and to facilitate the transition of administrative support staff into high growth, high demand career streams such as computer science.
169. Some departments have introduced mentoring programs to enhance promotion opportunities for women in non-traditional occupations.
170. Other departments have set targets for the participation of women in recruitment and career-bridging programs.
171. A major initiative in support of the goal of improving the representation of women in the public sector was strengthened with the coming into force of the new *Employment Equity*

Act on October 24, 1996. The new Act strengthened the former *Employment Equity Act* of 1986. It continues to apply to private sector employers under federal jurisdiction, and it includes almost all employees in the federal public sector. In addition, the Act gives the Canadian Human Rights Commission the authority to conduct audits and to verify and gain employment equity compliance, clarifies existing employer responsibilities and streamlines regulatory procedures. Where compliance is not attained within a designated period, the Commission may issue "directions" to order compliance.

172. The 1996 *Employment Equity Act* enhances the merit principle by ensuring that all qualified candidates are considered for employment opportunities. The legislation specifically states that the obligation to implement employment equity does not require an employer to hire or promote unqualified persons.
173. The Act requires federally regulated employers to move toward a more representative work force by developing and implementing an employment equity plan. The plan, based on a careful analysis of the employer's work force and a review of the employment systems to identify barriers, must contain flexible numerical goals (not rigid quotas) for the hiring and promotion of designated group members in those occupational groups where there is under-representation. The four designated groups are women, Aboriginal peoples, persons with disabilities and members of visible minorities. These goals, which, in most cases, must be higher than availability in the labour force, are intended to act as human resource planning tools. They must be supported by sufficient special measures to ensure they are achieved. Employers are required to make all reasonable efforts to implement their plan and achieve the goals they have set, but failure to achieve these goals does not automatically result in sanctions.
174. Under the Act, employers must report on their progress annually, and these reports are made available to the public. On June 1st of each year, employers covered under the Act (about 340 employers and 568,000 employees) submit to the Minister of Labour a report on the employment situation of the four designated groups for the previous year.
175. Reports filed by employers covered under the *Employment Equity Act* indicate that the four designated groups are under-represented in most occupational categories and industrial sectors everywhere in Canada.
176. Employment equity for the public service (those for whom Treasury Board is the employer) is now legislated in the *Financial Administration Act*, through passage of the *Public Service Reform Act* in 1992.
177. In addition, Human Resources Development Canada (HRDC) tables an annual report on employment equity in Parliament. The report for 1998 (released in February 1999) shows that the overall representation of women in the work force under the Act was 44.57 percent in 1997, compared to 44.81 percent in 1996 (compared to overall

representation in the Canadian labour force of 46.4 percent according to the 1996 Census). The decrease was mainly due to the fact that significantly more women were terminated than were hired in the work force under the Act in 1997, mainly in the banking sector. Despite a slight decrease, from 1996-97, in the overall representation of women in the work force, their representation increased in full-time work and in promotions.

178. In the banking sector, the number of jobs traditionally occupied by women has decreased significantly in the last 10 years, and banks have not been hiring enough women into other jobs to compensate for the decrease. In 1997, women represented 73.79 percent of all employees in the banking sector, compared to 74.76 percent in 1996. However, there have been increases in some key areas, such as in the number of female executives.
179. The average salary of women working full time in the federally regulated private sector work force under the Act was \$39,282 in 1997, compared to \$51,727 for men.
180. Women increased their share of promotions in permanent jobs in the private sector from 55.96 percent in 1996 to 56.59 percent in 1997. In 1998, that figure rose to 57.6 percent.
181. In the private sector subject to the *Employment Equity Act*, women in the other three designated groups earned average salaries that were lower than the salaries of all women in the work force. The representation of persons with disabilities decreased significantly, from 2.66 percent in 1996 to 2.31 percent in 1997. Women with disabilities accounted for almost 85 percent of this decline.
182. In addition to the *Employment Equity Act*, the federal government has other initiatives to advance the representation of women in the federal public service.
183. The Treasury Board Secretariat announced its new Employment Equity Positive Measures Program in December 1998 as a successor program to the former Special Measures Initiatives Program (SMIP) which ended in March 1998. By 1997-98, the SMIP, along with federal government departments, had funded 166 special measure programs for the four designated groups at a cost of \$32.5 million. Many of these programs were designed to address special measures for women. Some of the programs included career development, moving women into non-traditional occupations and out of the administrative support categories, workplace equality and mentoring programs.
184. The new Employment Equity Positive Measures Program is a temporary four-year program, running from 1998-99 to 2001-02. It is designed to promote greater self-sufficiency of departments and agencies in achieving their employment equity objectives and fulfilling legislated obligations. It also positions central agencies to better discharge their legislated responsibilities to address system-wide employment equity priorities. The Program aims to: promote multi-departmental partnership projects dealing with barriers to employment equity; provide an intervention fund for strategic initiatives;



offer career counselling to designated group members; and establish the Employment Equity Resource Centre for Persons with Disabilities.

185. The Management Trainee Program is designed to attract qualified university graduates from both inside and outside the public service and to develop them to the middle management level. As of March 1996, 55 percent of the participants were women.
186. The Diversity in Leadership Program, which assesses the experience of aspiring senior level, employment equity group managers, includes a component to develop women for non-traditional occupations.
187. The Career Assignment Program (CAP) and the International Program also seek to ensure that qualified women are nominated as participants wherever possible. CAP is intended to develop the executive potential of promising public servants through rotating assignments. As of March 31, 1997, 62 percent of CAP participants were women. The International Program identifies qualified candidates for work experience in international organizations.
188. A number of steps have been taken to create a more supportive and flexible work environment in the federal public service. There is a focus on learning and development, balancing work and family, wellness, and recognition of individual and team accomplishments. There is also promotion of the value and strengths of gender equality and diversity in the work force. Medical and dental benefits have been extended to the same-sex partners of employees.
189. The introduction of a government-wide flexible workplace policy has been positive. As a result, public servants can take advantage of a number of flexible working arrangements such as telework, compressed hours, job sharing, part-time work, daycare and self-funded leave. These initiatives particularly benefit employees seeking better ways to balance family and professional responsibilities.
190. In 1994, a strengthened harassment policy was introduced into the federal public service. It includes access to impartial mediation and conflict resolution, and a new prescribed means of handling harassment complaints. As a result, all departments are reviewing, updating and improving their harassment policies and procedures. Training programs on interpersonal relations, harassment, abuse of authority and conflict resolution have been introduced in many departments.
191. There have also been changes to the physical design of the workplace and adjacent areas to improve the physical safety of women employees of the federal public service. This has included tree trimming to eliminate hiding places along exterior walkways and improved lighting in parking areas. Some departments have undertaken personal safety inspections and audits, while others have made self-defence courses or information available to employees.

## Article 5: Elimination of Stereotypes

192. Awareness and education programs in the area of violence against women are discussed under Article 3. A discussion of the promotion of women role models in the area of sports, and a commemoration of women's achievements in history are discussed under Article 13.
193. The Women's Program administered by Status of Women Canada (SWC) provided \$1.6 million in grants and contributions in 1996-97 to equality-seeking groups to address such issues as sexual assault, family violence, pornography and the portrayal of women in the media.
194. In 1995-96, SWC's Women's Program provided funding to the Students Commission of Canada to prepare a multimedia kit on young women's issues entitled "Challenge the Assumptions." In 1997-98, SWC provided funding to the Commission to hold a national video conference, "Challenge Those Images." The conference involved young women in the development of critical perspectives on the impact of media on young women and in articulating recommendations related to the negative portrayal of young women in the media to influence media professionals and other relevant decision makers.
195. In March 1997, SWC held the Roundtable on the Portrayal of Young Women in the Media. Participants included industry representatives, advertising agencies, publishers, fashion editors and television producers, as well as academics and representatives of MediaWatch with expertise on the impact of media images on young women. Among the concerns discussed were the relationship between the portrayal of women as victims of violence and violence against women, and the sexualization of younger women. This dialogue continues.

## Article 6: Trafficking of Women and Prostitution

196. Prostitution itself is not illegal in Canada, but a number of prostitution-related activities are prohibited. It is a criminal offence to keep or be an inmate of a bawdy house (brothel). "Procuring" or "living off the avails" of prostitution is illegal. Finally, it is an offence to communicate in public for the purpose of engaging in prostitution (this applies to the customer as well as the prostitute).
197. On December 15, 1998, the Federal-Provincial-Territorial Working Group on Prostitution released its final report entitled *Report and Recommendations in Respect of Legislation, Policy and Practices Concerning Prostitution-Related Activities*. The Working Group was established in 1992 by the federal and provincial/territorial deputy ministers of justice. Its mandate was to review legislation, policy and practices concerning prostitution-related

activities and to provide recommendations. The Working Group focused its energies on the issues of youth involved in prostitution and the harm associated with street prostitution. The issue of violence against prostitutes was raised frequently as it affects both youth and all street prostitutes. The Working Group found that, despite a series of *Criminal Code* amendments made over the last 25 years, there is compelling evidence that the current law is not working.

198. The Working Group recommended that the response to youth involved in prostitution should include social intervention strategies and more effective measures to apprehend and prosecute those who sexually exploit youth. Any response should also address the issue from the perspective of the victimization of youth.
199. The Canadian government is working interdepartmentally to develop domestic policies to deal with trafficking in women in Canada and a federal government interdepartmental working group on trafficking is examining issues related to trafficking in women in preparation for negotiations of the UN Convention on Transnational Organized Crime.
200. Canada supports the elaboration of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime. Canada emphasizes the importance of including human rights protections and safeguards and, if appropriate, an article on discrimination.
201. In 1996, the Minister of Foreign Affairs appointed a special advisor on children's rights, with a mandate to provide advice on children's issues, liaise with NGOs, the academic community, business and the public, and to participate actively in national and international activities on children's rights. The special advisor also chairs an interdepartmental committee that is following up on the Agenda for Action of the 1996 Stockholm Congress on the Commercial Sexual Exploitation of Children. The focus of the committee is to help develop and promote a Canadian strategy that is aligned with the orientations set out in the *Report of the Rapporteur-General*, prepared by the former UN Special Rapporteur on the sale of children, child prostitution and child pornography.
202. The interdepartmental committee was instrumental in the convening of the Summit on Sexually Exploited Youth held in March 1998 in Victoria, British Columbia. The Summit provided a forum for victims of sexual abuse to convey their personal experiences, and brought together youth (primarily girls) from the Americas with experience in the commercial sex trade. They successfully developed a declaration and an action plan. Canada is currently exploring ways to develop support mechanisms for youth, particularly girls, to return to their communities. This includes rehabilitation and counselling, education and training, and reintegration into the community and labour force.



203. Canada has also been very supportive of the early adoption of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution. It has been very active in the negotiations to ensure that the text would oblige states to criminalize these practices and to put measures into place to protect child victims.
204. The Canadian International Development Agency (CIDA) supports a number of initiatives to prevent the exploitation of women in developing countries, including the trafficking of women. Through its Southeast Asia Fund for Institutional and Legal Development, CIDA has supported the national and international action to control, reduce and ultimately eliminate the exploitation of migrant labor, especially the trade in women in the sex industry in the Mekong area.
205. Efforts to prevent trafficking in women have historically focused on controlling illegal migration and punishing those who violate immigration law. There is now an understanding that a broader approach is necessary — one which not only focuses on preventing illegal immigration, but also recognizes and protects the human rights of the women being trafficked, and prosecutes those who perpetuate and facilitate this trafficking. In order to develop policies and programs that satisfy the requirements of this broader framework, it is important to have a good understanding of how trafficking plays out in Canada. Unfortunately, there is limited concrete information on the extent and the nature of trafficking in women in Canada, and on the implications for municipal, provincial and federal governments of policies that would reinforce this wider approach.
206. A Federal Government Interdepartmental Working Group on Trafficking is presently examining issues related to trafficking in women in preparation for negotiations of the UN Convention on Transnational Organized Crime.
207. SWC has contracted four research projects on the Canadian dimension of trafficking in women. It is anticipated that the research will provide greater insight into the extent of the problem in Canada and suggest possible legal and social approaches to the issue, which would take into account the various jurisdictional aspects. The projects are scheduled for completion by the year 2001.
208. SWC has convened a series of roundtables to address different aspects of the issue of exploitation of children, with a focus on the exploitation of girls and young women. The first one held in December 1996 — the Roundtable on Child Sex Tourism — brought representatives of the travel and tourism industry together with groups such as Street Kids International and End Prostitution in Asian Tourism to discuss how Canadians can contribute to solving the problem of child sex tourism. A subsequent roundtable in March 1998 produced a draft action plan for a national education campaign against the commercial sexual exploitation of children. The campaign, called Stolen Innocence,

brings together representatives of the Canadian travel and tourism industry, NGOs and governments to coordinate efforts to address the problem both here and abroad.

209. The Women's Program, administered by SWC, has also funded a number of activities undertaken by NGOs in this area, including Passages : Centre des femmes pour jeunes prostituées de Montréal, to undertake a public awareness and education campaign on issues of street life, commercial sexual exploitation and violence against women. The project L'autre côté de la rue will train 10 female street youth to facilitate workshops in Montréal, St-Jérôme, Drummondville, Buckingham and Hull. In addition, the Women's Program has provided funding to The Tracey Memorial Project carried out in Vancouver by Prostitution Alternatives Counselling and Education to look at off-street prostitution. In Saskatchewan, funding was provided in support of a project entitled Saskatoon Communities for Children to begin the process of implementing the strategies and recommendations developed by the Working Group to End the Sexual Abuse of Children by Pimps and Johns. It involved working with community groups, government departments and agencies to establish fiscal responsibilities and time lines for the implementation of recommendations. Outcomes include the establishment of a safe house, healing and treatment programs for victims aged 7-15 and service protocols among the various agencies involved.
210. SWC also supports community-based action on trafficking in women. For example, in the spring of 1997, SWC provided financial assistance to the North American Regional Consultative Forum on Trafficking in Women held by the Global Alliance Against Trafficking in Women (GAATW) Canada. The Forum took place in Victoria, British Columbia.
211. More recently, SWC provided funding to the Toronto Network Against Trafficking in Women to document the experiences of the women arrested under Operation Orphan in Toronto in September 1997.

## **Article 7: Women in Politics and Public Life**

212. A key objective for Canada outlined in *The Federal Plan for Gender Equality* is the incorporation of women's perspectives in governance. The federal government acknowledges that promoting women's participation and representation in governance and decision making — at all levels of political and social life — is an essential step in improving women's status and well-being. It is also a fundamental prerequisite for women's equality and is integral to respecting women's human rights.
213. Despite their many advances in leadership roles, women continue to be under-represented in such critical areas as politics and the corporate business sector. Women are also a minority among professionals working in such fields as the natural sciences, engineering and mathematics.

## **Representation in the Federal Parliament**

214. As of December 1998, women comprise 60 (or 19.9 percent) of the 301 elected members of the House of Commons. This is up from 13.6 percent in 1990 and 5.0 percent in 1980.
215. Within the appointed Senate, women constitute 32 of the 104 senators, or 30.8 percent. This is up from 13.5 percent in 1990 and 10.2 percent in 1980.

## **Representation on Boards and Judicial Appointments**

216. The federal government acts to ensure gender balance is considered when proposing candidates for appointments to federal boards and agencies. Some departments have developed guidelines in this regard, while others are establishing data banks of qualified women who can be considered for appointments to boards and commissions.
217. Between April 1, 1994 and March 31, 1998, a total of 3,021 appointments were made to federal boards and commissions; of these 1,930 were men and 1,091 were women.
218. The federal government continues its efforts to recommend women for appointments to the federal judiciary. In 1997, 17 of 39 judicial appointments were women, while in 1998, 17 of 55 appointments were women.
219. In 1997, Industry Canada and Canadian Women in Communications (CWC) established an exchange program to foster professional and personal growth for high potential business and government employees. As part of this exchange program, awards are offered each year to two candidates from the private sector and two employees from Industry Canada. Industry Canada's participation in this program complements the existing Jeanne Sauvé Award, an internship program sponsored by the Department of Canadian Heritage and the CWC in memory of Canada's first female Governor General.

## **Women in the Royal Canadian Mounted Police**

220. During 1996, it became evident that many female applicants were unsuccessful in passing the Physical Abilities Requirement Evaluation (PARE) for the Royal Canadian Mounted Police (RCMP). The main reason was the lack of upper body strength. To alleviate the problem, recruiting personnel (with the assistance of the "B" Division (Newfoundland) fitness-lifestyle coordinator and "Depot" Division (formerly the RCMP Training Academy) fitness staff) developed a training program specifically designed for female applicants in preparation for PARE. This program is available to all applicants, regardless of gender. Since its inception, a vast improvement has been noted in PARE test results for female applicants.



221. The RCMP is continuing to develop initiatives to have the number of instructional staff correspond to the proportion of women, visible minority and Aboriginal members throughout the RCMP work force. Policy on the recruitment of applicants from designated groups has also been established based on the need to make the RCMP more representative of the clients it serves and to ensure that recruiting supports community policing principles.

## **Women in the Canadian Armed Forces**

222. In 1989, a human rights tribunal concluded that the exclusion of qualified women from combat roles could not be justified. It ordered the Canadian Forces to develop a plan to ensure that the integration of women proceeded “steadily, regularly and consistently” toward complete integration into combat operations within 10 years. Full integration does not mean that women must make up half of Canadian Forces members. Rather, barriers must be eliminated so that women, who meet the required standards and want to serve, can have a career in combat occupations and other areas where previously there were limits on the numbers of women who could serve in a specific occupation.
223. As of September 1997, women accounted for 10.6 percent of the effective strength of the Canadian Forces. However, in 1998, women still accounted for only 4.8 percent of the members of combat occupations in the navy, army and air force. In 1997, Land Command developed a targeted recruitment campaign to increase the number of women in combat occupations, with Operation Minerva, which was targeted toward career retention and promotion, and the elimination of systemic barriers by 1999. The army has requested that 25 percent of its intake of recruits be women, in order to obtain a critical mass for training and employment in various units. Beginning in January 1998, the army launched a \$1.5 million advertising campaign aimed at recruiting women for infantry, armor, artillery and engineering roles. From 1989 to 1997, 245 women joined all four combat non-commissioned member occupations. As of November 1998, in the four months following the completion of the campaign, 368 women applied for at least one combat arms occupation, and recruiting centres received numerous applications from women wanting to transfer from the primary reserve to regular force combat arms positions.
224. Maritime Command has undertaken various initiatives, including a study of the reasons that lead women to leave the navy and a re-examination of its family support policies.
225. Other initiatives undertaken by the Canadian Forces include efforts to design its newer ships, and those undergoing refits, in a way that provides flexible accommodation to meet the needs of a mixed male and female crew. Further, combat helmets, rucksacks, combat boots and flak jackets are being modified to ensure that women have the same level of protection and comfort as their male colleagues. Diversity issues are included in senior level Department of National Defence (DND) and Canadian Forces briefings and seminars, and gender issues are covered extensively in the Department's harassment

elimination program. A harassment sensitization course, Standard for Harassment and Racism Prevention, is now mandatory for every member of DND and the Canadian Forces. A gender integration component is being incorporated into the curricula of basic recruit and officer training.

226. The Canadian Forces National Investigation Service (CFNIS), created in September 1997, was established to investigate reports of sexual misconduct. It is independent of the operational chain of command, and is an investigative body that will recommend criminal charges if warranted. The CFNIS is a revamping of a special arm of the military police. It specializes in sensitive investigations, and aims to develop expertise through its specialized focus. It has the authority to bring sexual assault cases directly to trial, thus eliminating the need for an officer — who may have served directly over the victim or the assailant or both — to make the ultimate decision to press a charge. The CFNIS has no mandate to conduct investigations into sexual harassment, which is dealt with through other means.
227. The CFNIS released statistics in July 1998 on investigations it is conducting into sexual misconduct allegations. Between January and June 1998, the Service received reports of 97 sexual assaults and 13 other sex-related offences.
228. In the wake of a series of press reports on incidents of sexual harassment and assault within the Canadian Forces in the spring of 1998, the Canadian Forces has made a number of efforts to step up its commitment to eliminating these unacceptable behaviours. In May 1998, DND established a national 1-800 hotline for reporting sexual assault incidents, with the new National Investigation Service investigating the reported incidents. In June 1998, the military's first ombudsman was appointed, providing an informal clearinghouse for complaints. In November 1998, the Minister of National Defence announced the re-establishment of an advisory board on gender integration, headed by Sandra Perron, the former captain of the Royal 22nd Regiment who left the military in 1996 after being harassed by fellow soldiers.
229. The recent passage of Bill C-25 will also greatly improve the effectiveness of the military justice system in dealing with complaints of sexual assault in the military. The legislation to amend the *National Defence Act* was given Royal Assent on December 10, 1998. One amendment relating to sexual offences in the military and the military justice system is of particular interest to women. The new legislation empowers the military justice system to handle these matters directly, rather than having cases of sexual assault tried in a civilian court, under the *Criminal Code*, as they have been. As a result, cases of sexual assault can be tried under the military justice system. This is expected to result in more expeditious and serious treatment of any such complaint.



## **Women in Power and Decision Making**

230. The federal government continues its practice of ongoing consultation with women's organizations and other community leaders on key issues of concern to women. For example, since 1994, the Minister of Justice and the Secretary of State for the Status of Women have consulted with women's organizations on women and violence. Similar consultations have been held on the developments of the Centres of Excellence on Women's Health and on issues relating to sustainable development. Biannual consultations are also held with national women farm leaders.
231. Under Gathering Strength — Canada's Aboriginal Action Plan, the Department of Canadian Heritage works with Aboriginal women's groups (both on and off the reserve) primarily to strengthen their capacity at the community level, with some attendant support at the provincial/territorial and national levels. The goal is to ensure the full and equitable participation of Aboriginal women in the consultations and decision making surrounding Aboriginal self-government initiatives.
232. The Department of Foreign Affairs and International Trade (DFAIT) has promoted engagement by Aboriginal women in power and decision making by inviting the leaders of national Aboriginal women's organizations to consultations convened by DFAIT on international indigenous issues. For example, DFAIT sponsored Aboriginal women to attend sessions of the World Intellectual Property Organization (WIPO) Fact-Finding Mission to Canada on Intellectual Property Rights and Indigenous Peoples, during its cross-Canada tour in November 1998.
233. In 1996-97, through the Women's Program, Status of Women Canada (SWC) provided funding in support of some 33 projects, with these grants totaling \$579,422 in support of a range of projects at national, regional and local levels aimed at addressing the issue of the participation of women in decision making. For example, funding was provided to the Manitoba Association of Women and the Law to increase women's awareness of the federal appointment system and areas where qualified and interested women are needed to fill positions. In Ontario, Women Plan Toronto received funding to conduct workshops aimed at getting women involved in municipal elections as well as municipal governance issues in general. In Québec, the Table de concertation des groupes de femmes de l'est du Québec received funding for four regional meetings. The goal in involving 27 women's groups and 50 women, who sit on regional decision-making bodies, was to increase the representation of women on these bodies and to improve the supportive links among these women.
234. The Government of Canada has also provided funding support for projects undertaken by women's and other equality-seeking organizations to address the participation of women in decision making. Of particular importance is the funding of Aboriginal women's groups to participate in the self-government process. Through this funding, a new



relationship is being forged with the Aboriginal community. Initiatives funded include the following.

235. In response to the creation of Nunavut, Canada's newest northern territory, the Inuit Women's Association of Canada (Pauktuutit) implemented an education strategy for generating public support for gender equality in the Nunavut legislature and the full participation of Inuit women in self-government efforts. This was accomplished with the financial assistance of the Women's Program. Pauktuutit's work focused on the proposal for gender parity in the Nunavut Legislative Assembly, and encouraged women's participation in the plebiscite on gender parity. Pauktuutit held education and strategy sessions with women from across the North, developed a website to post information throughout the plebiscite process, and taught women how to use telecommunication tools and the information highway in networking and coalition building. In the end, although the plebiscite results did not adopt the gender parity proposal, there was widespread public debate about the proposal, laying the groundwork for future public policy discussions on gender equality.
236. The Nova Scotia Native Women's Association researched the traditional role of Mi'kmaq women in the self-governing process. Through its efforts, the Association successfully acquired official status in the NS-Canada Tripartite Forum on Native Self-Government in 1997, thus facilitating Native women's involvement in setting public policy on the critical issue of self-government for Native people in Nova Scotia.
237. The Aboriginal Women's Action Network received funding in 1997-98 to undertake research on the impact of Bill C-31 (an amendment to the *Indian Act*) on Aboriginal women in British Columbia, on the extent of inequities in status and membership and, consequently, access to decision making and resources. Through interviews and questionnaires, research is being conducted, primarily with urban Aboriginal women throughout the province, to identify issues related to band membership, access to homelands and rights for Aboriginal women. In partnership with other urban Aboriginal groups, a strategy is being developed to address identified issues, and improve women's access to band membership and the self-government process.
238. Through the Government of Canada, the Canadian Adaptation and Rural Development Fund is providing \$80,000 to farm and rural women's organizations to undertake leadership development and strategic planning workshops in order to revitalize and strengthen their organizations' leadership.
239. The Department of Indian Affairs and Northern Development (DIAND) provided the Native Women's Association of Canada with project funding of \$250,000 for a national conference on Bill C-31 which was held in March 1998, and \$45,000 for a national follow-up conference which was held in May 1999.

## Article 8: Women as International Representatives

240. The Department of Foreign Affairs and International Trade (DFAIT) has made progress in the last five years toward the goal of achieving a work force that reflects the diversity of the Canadian labour market. Progress is also being made to meet obligations under the *Employment Equity Act*. In addition, DFAIT is committed to improving the career prospects of women by increasing their representation in departmental management and by facilitating their access to non-traditional occupations. Efforts continue to be made to implement outreach measures to recruit visible minorities, persons with disabilities and Aboriginal peoples.
241. In 1998-99, women made up 44.7 percent of DFAIT's work force. This is an increase from their representation of 40.8 percent on March 31, 1994. In the Foreign Service officer group, women comprise 28.4 percent, an increase from 22.8 percent in 1994. Progress continues to be made in the recruitment of women. In 1998-99, 49 percent of new employees were female, a slight decrease compared to 52 percent on March 31, 1994. Progress is also being achieved in the Department's commitment to ensure that 50 percent of the candidates interviewed annually are women. The rate of promotion among women has also improved; in 1998-99, 45.5 percent of the people who received promotions were women, compared to 36.7 percent in 1994-95. The separation rate for women in 1998-99 was 46.6 percent, an improvement compared to March 31, 1994 when the rate was 51.5 percent.
242. Current female representation in the executive group of DFAIT is 13.3 percent compared to 8.7 percent in 1994. In 1999, 16.6 percent of heads of mission were women, a substantial increase from 10 percent in 1994.
243. In 1998-99, 28.68 percent of Canadian International Development Agency (CIDA) overseas employees were women. Of these, 5.71 percent occupied management positions, 88.57 percent were in program and administrative services, 2.86 percent in economics and 2.86 percent were from the Foreign Service.
244. DFAIT has initiated qualitative measures to improve the career prospects of women employed in the Foreign Service, *inter alia*, developmental and educational opportunities, flexible working arrangements, teleworking, job sharing, arrangements to accommodate religious holidays and the responsibilities of caregivers, and the provision of funding to acquire special equipment for persons with disabilities.
245. DFAIT has enhanced and improved departmental mechanisms for the career advancement of Aboriginal women in the public service, through the efforts of the Department's employment equity advisor, and pursuant to the provisions of the *Employment Equity Act*. An Inuit woman has served as Canadian Ambassador for Circumpolar Affairs for several years and provides strong leadership at the Arctic Council where she is Canada's senior

Arctic official. Other Aboriginal women occupy positions at the management level and at Canadian missions abroad.

246. Status of Women Canada (SWC) has been successful in securing the participation of representatives from Canadian NGOs (including women's organizations) at key international meetings, to enable them to access the international public policy process more effectively. This has included sending two NGO representatives on the Canadian delegation to the Commonwealth Women's Affairs Ministers Meeting in November 1996 and having NGO representatives on the Canadian delegation to the UN Commission on the Status of Women since 1997.
247. Through SWC's Women's Program, funding has been provided to Canadian women's NGOs for activities in support of Canadian NGO preparations for participation at the United Nations World Conference on Women held in Beijing in 1995 and the more recent United Nations Beijing + 5 preparatory meetings. Through CIDA, Canada has also supported the involvement of women from developing countries in the Beijing process and its follow-up.

## **Article 9: Nationality**

248. Before February 15, 1977, children born outside of Canada were entitled to be registered as Canadians provided they were born in wedlock to Canadian fathers. If they were born to Canadian mothers, they were entitled to be registered as Canadians only if they were born out of wedlock. Since most children were born in wedlock, the parents' civil status had the effect of discriminating against Canadian women.
249. In 1997, the Supreme Court of Canada found in *Benner v. Canada* that the denial of citizenship to a man (for reasons unrelated to his birth), who had been born abroad in wedlock to a Canadian mother in 1962, amounted to unjustifiable discrimination based on sex. If the individual had been born to a Canadian father, he would have been entitled to registration as a Canadian, and other reasons for denying citizenship would not have come into play. The Supreme Court found that the difference in treatment between children born in wedlock to Canadian fathers and those born in wedlock to Canadian mothers amounted to unjustifiable discrimination based on sex.
250. As a result of the Supreme Court decision, eligibility for citizenship for those born abroad of Canadian mothers in wedlock before February 15, 1977 is no longer subject to certain prohibitions. Such children are now entitled to citizenship.



## Article 10: Education

251. In Canada, responsibility for education rests primarily with the provincial governments. All levels of government recognize the importance of improving women's education and training opportunities as being central to improving their employment opportunities and, subsequently, their economic well-being. In *The Federal Plan for Gender Equality*, the Government of Canada has outlined a strategy, in partnership with provincial and territorial governments and women's organizations. The Plan focuses on improving women's access to lifelong learning, supporting and encouraging women's participation in the fields of science and technology, and developing appropriate training materials and programs for women. Examples of initiatives that have been undertaken include the following.

### Article 10(a): Access to Studies

252. The Canadian Opportunities Strategy (introduced in the 1998 budget) will be of particular importance to women in gaining access to knowledge and skills. Women represent more than 50 percent of university and community college students. Initiatives included in the Canadian Opportunities Strategy are:

- income-sensitive measures to help students manage their debt from Canada Student Loans
- child care expense deductions and education tax credits for part-time students, many of whom are women
- Canada Study Grants designed to provide assistance for high need, low-income students (such as sole-support mothers) who must study part time
- Canada Study Grants students designed to assist female doctoral students in certain programs in which women are traditionally under-represented
- new Canada Study Grants designed to promote accessibility to post-secondary education for students with dependents, by helping them to better afford to continue their studies
- the needs assessment provision under the Canada Student Loans Program which allows child care costs to be assessed for both full- and part-time loans

253. The Canada Student Loan Program provides assistance to eligible students attending post-secondary institutions; a number of provisions are relevant to women. Fifty-five percent of full-time Canada Student Loan borrowers are women, and there is no upper age limit for eligibility.

## **Article 10(c): Elimination of Stereotypes**

254. Through the Office of Learning Technologies (OLT), the Government of Canada provided support to the Pan-Canadian Women and the Internet Conference, held in the fall of 1997. The focus of the Conference was on learning about women's equality issues by using the Internet. The OLT also sponsored the Women's Ways of Learning Workshop which highlighted the work of women and women's organizations in addressing these issues.
255. Another OLT initiative, the Janus Project, raised awareness about the challenges and opportunities learning technologies present to women. Researchers gathered data, published a discussion paper and held a workshop on technologies and women's learning. Results were integrated into a discussion paper outlining trends, issues and areas for further exploration. This paper provided the background for a workshop in the spring of 1997 that brought together about 100 representatives from women's literacy and adult education organizations, unions, industry and government.
256. The federal government is also committed to supporting and encouraging Canadian students (particularly women) to achieve excellence in science, technology, engineering and mathematics, and to choose careers in science. In 1996, women accounted for 34 percent of all university science and technology graduates in Canada, up from 28 percent a decade earlier. Studies in the early 1990s identified many of the obstacles to the advancement of women in these careers and provided recommendations for action.
257. Federal and private sector funding was announced in 1996 for the creation of five Chairs for Women in Science and Engineering at different Canadian universities across the country. The Chairs encourage female students in elementary and secondary schools to consider careers in science or engineering, and promote the integration of women students in universities.

## **Article 10(e): The Same Opportunities for Adult and Functional Literacy Programs**

258. The National Literacy Secretariat (NLS) works to ensure that Canadians have opportunities to develop the literacy skills they need to manage everyday life. NLS supports projects in five mandated areas of activity: the development of learning materials; public awareness; literacy research; improved coordination and information sharing; and improved access to literacy programs. Within the scope of this mandate, the Secretariat supports projects that facilitate the involvement of women in literacy programs. Some examples of such projects, from 1995 to the present, include the following:

- The Montréal YM/YWCA was funded to research and develop a bilingual literacy program designed for women learners.
- The Canadian Congress for Learning Opportunities for Women received support for a project to research and assess the relative merits of different approaches to serving women's needs in a literacy program. It is conducting research into the effects of abuse on literacy learners and is examining ways of creating more appropriate learning practices for abuse survivors.
- The Regina Chapter of Immigrant Women of Saskatchewan received funding to research and develop a literacy entrepreneurial skills program model and curriculum for immigrant women.
- The Women's Network Inc. of Prince Edward Island will prepare health education materials in plain language for adult learners, health education curriculum for adult educators and a plain language resource guide to health information for adult learners.
- Le Réseau national d'action-éducation femmes will develop and produce literacy exercise booklets which target the needs of Francophone women. The booklets will be distributed to practitioners in the Francophone community across the country for integration into their literacy programs.
- The Edmonton John Howard Society received support for the research phase of a project to determine the effectiveness of literacy and life skills integration programs for women in conflict with the law.
- The Canadian African Women's Organization received support to develop literacy activities designed to encourage women from Africa and the Middle East to acquire the skills they need to deal with their social and economic marginalization.
- The Provincial Association Against Family Violence in Newfoundland received support to develop and hold a series of family literacy workshops for mothers who are, or who have been, residents of transition houses. The workshops demonstrated ways in which mothers can help their children develop literacy skills. A tutor-training guide and a program model were developed for women interested in setting up family reading circles in their own communities.

## **Support to Civil Society**

259. The Government of Canada has provided support to a range of NGOs to undertake initiatives in the area of education and training. This includes the following:



- The Women Inventors Project Inc. conducted a series of workshops for women with children and leaders in NGOs, and a public awareness campaign to increase knowledge and understanding about why activities and careers in science, technology, engineering and mathematics are important for girls and young women.
- Les Scientifines piloted a project involving girls aged 9-12 from five schools in Montréal, along with their mothers and teachers, in order to stimulate interest in non-traditional occupations and careers in science and technology.
- In Saskatchewan, funding was provided in support of a conference entitled "Women and Other Faces in Science," and an affiliated project entitled "A Day of Science for Girls." This multi-component project also included an essay contest for girls and a video production of the conference.
- Working for Women in Saskatoon Inc. received funding for the development of a FreeNet workshop to help women access the information highway in order to enhance their marketability in a changing workplace and to promote their economic autonomy.
- The Réseau-Femmes Colombie-Britannique is working with the newly created Francophone School Board of British Columbia to develop a gender sensitive French language education system. The School Board will submit to its Board of Trustees a policy that will commit its teaching methods to those described in the guide.
- In Québec, funding was provided in 1998-99 to the Centre d'intégration au marché de l'emploi for a project promoting education in non-traditional, science and technology areas for women. Workshops will serve to sensitize up to 2,000 young women in the Estrie region, and also reach guidance counsellors, teachers and parent associations.

## International Activities

260. At the UN Working Group on Indigenous Populations (WGIP) at Geneva in July 1998, three Aboriginal women teachers from Canada, as members of Canada's official delegation, organized and hosted a workshop on indigenous education and training, with financial and policy support from the Department of Foreign Affairs and International Trade (DFAIT). The Canadian workshop supported the designated theme of education for the 1998 WGIP, as one of the principal themes of the International Decade of the World's Indigenous People.
261. DFAIT coordinates the Youth International Internship Program (YIIP) which is designed to provide youth with career-related internationally focused work experience. Since 1997, women have comprised 55 percent of the participants in the program. The program has placed hundreds of women, including young Aboriginal and visible minority women, from across Canada in international training and intern positions in multilateral, regional,

private and public sector organizations around the world. The selection criteria focus particular attention on recruitment of women and Aboriginal and visible minority youth. The program also placed interns with organizations working on indigenous and ethnic issues.

262. One of the guiding principles of the Canadian International Development Agency (CIDA) is to promote the equal participation of women as agents of change in economic, social and political processes as an essential component in achieving gender equality. One example of such a project is CIDA's support for the Training Fund for Tanzanian Women Project which aims to increase the number of qualified women capable of assuming responsibility and decision making in the public, private and NGO sectors in Tanzania.

## **Article 11: Employment**

263. One of Canada's objectives outlined in *The Federal Plan for Gender Equality* is to improve women's economic autonomy and well-being. The federal government has undertaken a number of measures to this end, including areas reported under other articles within this report, such as improved education and training opportunities (Article 10), support for women entrepreneurs (Article 13) and strengthened child support (Article 16).
264. Statistics Canada's Survey of Labour and Income Dynamics is a longitudinal survey of individual and family incomes. It provides a basis for the study of the dynamics of low income through time. Studies have shown the extent to which families and individuals move into, and out of, low income and the extent to which these movements are the result of changes in family composition (e.g., separation or divorce) and changes in income sources (e.g., earnings).
265. Using longitudinal income tax data, Statistics Canada has published studies showing the differential impact of family dissolution on men and women, both for families with children at the time of family breakdown and for those without.
266. Other measures taken by the government include the following.

## **Recognition for Unpaid Work**

267. Each year, Canadians spend as much or more time on unpaid work as they do on their jobs. Women, on average, spend five full-time weeks a year more on unpaid work than men. Unpaid work — from making meals to caring for children or the elderly, or volunteering in the community — comprises essential tasks that individuals, families and society at large could not do without. It is increasingly evident that women's responsibilities for unpaid work create barriers to their participation in, and progress through, the paid labour force.

268. The government has taken a number of measures to raise awareness and stimulate public policy discussion on the issue. For example:
- The 1996 Census included questions on unpaid household work, child care and elder care for the first time in Canada's history.
  - Statistics Canada is continuing its program of time use surveys, the most recent of which was conducted in 1998. Time use surveys generate data on a wider range of unpaid work activities than are available from the Census and can be used to update the information collected in the Census. Time use surveys in the future will be based on larger samples allowing for more detailed analysis.
  - In 1997, Statistics Canada conducted another survey of volunteer work that examined, in detail, this important dimension of unpaid work.
  - Statistics Canada has been a pioneer in the development of measures of the value of unpaid work. The Department is creating an accounting system analogous to the System of National Accounts (measures such as the gross domestic product) to facilitate the comparison of the value of the output of the non-market sector with conventional national accounting statistics.
  - Released in 1997, Economic Gender Equality Indicators is a new tool for measuring women's economic status and progress. This set of benchmarks — a joint federal-provincial/territorial initiative — transcends traditional measures and reflects factors such as unpaid work, education and job-related training.
  - The government sponsored an international symposium on gender equality indicators in March 1998 as a way to stimulate public policy discussion on indicators and contribute to international work in this area.
  - Unpaid work has been identified as a specific priority for SWC's Policy Research Fund (PRF). A notable recent contribution under this theme is a study entitled *Unpaid Work and Macro Economics: New Discussions and New Tools for Action*. A considerable amount of other PRF research addresses unpaid work issues in examining child care, elder care and public service delivery issues. An example is *Benefiting Canada's Children: Perspectives on Gender and Social Responsibility*.
  - Research in other departments exploring the dynamics of unpaid work in our society, its contributions and its relevance to the development of labour market policy is also being undertaken, including a work arrangements survey to explore the extent and use of various alternative work arrangements.



- Funding has been provided to a number of women's NGOs to study and promote awareness of the policy implications of unpaid work. One important product has been the development of *When Women Count: A Resource Manual on Unpaid Work*.
- A House of Commons committee was struck to examine issues related to the treatment of families with dependent children in the tax and transfer system. It heard witnesses from across the country and has reported a number of recommendations to be considered by the Finance Committee and the government that could provide enhanced assistance for families to meet their income and care requirements.

## **Recognition for Unpaid Caregiving**

269. The government has taken a number of steps to recognize unpaid work — most of it done by women — related to caring for children, elderly and disabled family members.
270. The government also recognizes that the economic welfare of women and children are inextricably linked. Child welfare — particularly child poverty — is a priority for the government.
271. Federal, provincial and territorial governments are developing the National Children's Agenda, a comprehensive and long-term strategy for improving children's well-being. Representatives from the five national Aboriginal organizations participate in the Aboriginal Perspectives sub-group of the National Children's Agenda Federal-Provincial/Territorial Working Group. The Agenda will act as a focal point for collaboration across sectors (e.g., health, social services, justice, education) and will build on efforts already under way by non-governmental organizations and business.
272. The \$6 billion Canada Child Tax Benefit was introduced in 1997 to help low-income families and families on social assistance, many of whom are lone-parent families headed by women. The initiative enables provincial governments to invest more in services and supports, such as child care, dental and drug plans, and nutrition programs.
273. The 1998 federal budget announced that the tax system would provide a better financial break for child care expenses. The Child Care Expense Deduction increased from \$5,000 to \$7,000 for children under age 7, and from \$3,000 to \$4,000 for children aged 7-16.
274. The 1998 budget acknowledged the significance of unpaid work in the home with a new caregiver tax credit. The credit gives Canadians a tax break of up to \$400 for producing care and support for elderly or disabled family members. Since women outnumber men at a 3:2 ratio in caring for people with long-term health problems, the credit will benefit them most.

275. Expenses related to care for a person who has limited means of self-care are now exempt from the Goods and Services Tax (GST) and Harmonized Sales Tax (HST).

### **Article 11.1(b): Right to Same Employment Opportunities**

276. Status of Women Canada provided financial support for the DisAbled Women's Network (DAWN) to carry out an action research employment project. DAWN prepared a comprehensive employment workbook filled with experiences of job readiness and job searching for women with disabilities. It also contained examples of successful employer programs that may be adapted and promoted, and recommendations and strategies to assist women with disabilities to access mainstream employment programs. The workbook has been very well received by both employers and potential employers of women with disabilities, and by women with disabilities themselves. Due to an overwhelming demand for this employment tool, over 1,500 French and English copies in print and alternative format have been distributed to women with disabilities, employers and employment counsellors, and it is now also available on DAWN's website.
277. In September 1997, the federal government signed an agreement with the Native Women's Association of Canada to provide funding of \$6.6 million under the Urban Aboriginal Employment Initiative until March 31, 1999. The agreement represents the first time Aboriginal women have had the opportunity to determine labour market programming and intervention for Aboriginal women on this scale. The Native Women's Association of Canada works closely with other partners, such as the provinces/territories, the private sector and non-profit organizations, to provide the tools Aboriginal women need for themselves and their families to become self-sufficient. For example, one project is the work of the Bay of Islands Native Women's Association in Benoit's Cove, Newfoundland. Aboriginal women were trained as home support workers through the local Victorian Order of Nurses.
278. Data from the 1996 Census indicate that immigrant women who arrived between 1961 and 1970 have a lower unemployment rate than non-immigrant women. Women who arrived between 1971 and 1980 have an unemployment rate similar to non-immigrant women. Women who arrived from 1981 to 1996 have a higher unemployment rate than non-immigrant women. With respect to participation rates, immigrant women who arrived between 1971 and 1980 have a higher participation rate than non-immigrant women. Immigrant women who arrived between 1981 and 1985 have a participation rate almost the same as non-immigrant women, as do those who arrived between 1961 and 1970. The participation rate is lower among more recent arrivals (1991-96) which could be the result of a number of factors including the recession of the early 1990s, language and other integration issues.
279. Immigrant women make a considerable contribution, both paid and unpaid, to the economic well-being of their families. Once immigrated, the financial security of

immigrant families depends on the labour force participation of both spouses. In many key source countries and regions (e.g., Hong Kong and Southeast Asia), two-income earner families are the norm. *Building on a Strong Foundation for the 21st Century*, a public document produced by Citizenship and Immigration Canada, lays out new directions for immigration and refugee policy, and states that further research will be undertaken to determine how a new selection system might take into account the potential for the social and economic contribution of spouses. This is an acknowledgment that the often “invisible” contribution of spouses (mostly women) needs to be recognized in the immigrant selection system.

### **Article 11.1(d): Right to Equal Pay**

280. Pay equity requires that occupations of equal value receive the same wages (equal pay for work of equal value). Aside from employment equity programs, pay equity legislation (and settlements) remains one of the main measures to address the wage gap. Complaints-based enforcement of most pay equity legislation and a narrow interpretation of equivalent value have slowed progress in addressing the wage gap.
281. Section 11 of the *Canadian Human Rights Act* (CHRA), introduced in March 1978, requires employers under federal jurisdiction to pay men and women workers equal pay for work of equal value. The CHRA covers employees of the federal government, Crown corporations and private companies under federal jurisdiction, such as banks and Bell Canada, regardless of the size of their work force. In 1986, equal wage guidelines were introduced which prescribe factors to be used in interpreting s. 11. For instance, this includes a list of exemptions that justify the payment of a different wage in cases involving different performance appraisals, seniority, demotion, training assignments and internal labour shortages.
282. The Canadian Human Rights Commission (CHRC) has the authority under the CHRA to bring a complaint, given reasonable grounds; it can also receive pay equity complaints, investigate, settle, dismiss or refer a complaint to a tribunal. Enforcement of federal equal pay legislation remains reactive and relies on complaints and investigations rather than on mandatory timetables. Employers are not obliged to bargain pay equity with unions.
283. On October 29, 1999, an agreement was reached between the Treasury Board Secretariat and the Public Service Alliance of Canada on the implementation of the July 1998 Canadian Human Rights Tribunal ruling on pay equity. This agreement followed a Federal Court of Canada decision that resolved a long-standing debate on the interpretation of s. 11 of the CHRA.
284. The *Canada Labour Code*, Part III, s. 182, empowers Human Resources Development Canada (HRDC) to monitor implementation of pay equity in the federally regulated, non-governmental sector (i.e., transportation, banking, communications, some Crown



corporations), covering over 700,000 employees. Officials from HRDC's Equal Pay Division work with employers and provide training to ensure compliance with s. 11. Employers who fail to implement a pay equity plan may be referred to the CHRC. Since 1986, 1,300 employers have been contacted, and 76 percent have started to address pay equity.

## **Article 11.1(e): Right to Pension and Social Security Benefits**

### **Support for Older Women**

- 285. The government recognizes that public pensions have been essential in reducing poverty among older women.
- 286. The Canada Pension Plan (CPP) reflects this understanding through such means as the child-rearing drop-out provision, credit splitting and full indexation of benefits. These features recognize that women's patterns of unpaid work, employment, unemployment and remuneration are significantly different from those of men.
- 287. These features were maintained during pension revisions and included rate increases to ensure the CPP's financial sustainability. They are being examined in a second stage of the review to ensure that the CPP continues to meet the needs of Canadians.
- 288. The other key parts of Canada's retirement income system, the Old Age Security (OAS) program, the Guaranteed Income Supplement (GIS) and the Spouses Allowance (SPA), have also been maintained. The GIS and SPA provide assistance to those with little or no other retirement income, and are particularly important for women, who comprise 65 percent of GIS recipients and 91 percent of SPA recipients.

### **A New Employment Insurance System**

- 289. The Canadian Employment Insurance (EI) system provides temporary income supports to workers who become involuntarily unemployed. Special benefits, such as maternity, parental and sickness support, are provided, as well as measures to assist unemployed Canadians to re-enter the paid work force.
- 290. The reforms of the EI system introduced in July 1996 and January 1997 were the most fundamental restructuring of the Unemployment Insurance Program in 25 years. In conducting a gender-based analysis (GBA) of the reforms, it was recognized that any measures would have a differential impact on women and men because of their different social, economic and familial realities. Women earn less than men on average and are over-represented in the contingency work force through part-time employment, multiple jobs and low-paying jobs. They comprise the majority of lone-parent families, and carry the main share of family responsibilities and unpaid work.

291. These reforms included providing means to assist women in overcoming barriers to employment through targeted employment benefits, and child care and income supports. The broader eligibility requirements for benefits will enable women who find it difficult to re-enter the work force to access assistance. For example, women who left the paid labour force for maternity or parental leave in the last five years will be eligible for active employment benefits.
292. By serving as replacement income, maternity and parental benefits provided under the *Employment Insurance Act* enable women and men to take temporary leave from work during the period immediately surrounding the birth of a child, and during the early months after birth or adoption. The system provides 15 weeks of maternity benefits to biological mothers, during the period surrounding childbirth, and 10 weeks of parental benefits to both adoptive and biological parents for child care purposes. Parental benefits are payable to either parent or can be shared between them with an extra five weeks of benefits, should the child require special care.
293. About two thirds (67 percent) of new claimants receiving the Family Income Supplement (FIS) are women. The FIS is intended to target claimants in need. It is a family supplement for claimants in low-income families with dependent children based on net family income. To qualify, claimants must receive the Child Tax Benefit, which indicates they have at least one dependent child and have a net family income of \$25,921 or less.

### **Article 11.1(f): Occupational Health and Safety**

294. Proposed changes to Part II of the *Canada Labour Code*, designed to improve occupational health and safety in the workplace, are before the House of Commons. A new provision would allow a pregnant or nursing employee to withdraw from work or be given other tasks, even before she obtains a medical certificate, if she believes the job will adversely affect her, her fetus or the child she is breastfeeding. The revisions will also extend the responsibilities of employers and employees to monitor and resolve workplace health and safety issues jointly.

### **Article 11.2(c): Child Care**

295. The Government of Canada's activities with respect to child care include research and funding.
296. One such activity was a comprehensive study of human resource issues in child care. This in-depth sector study entitled, "Our Child Care Workforce: From Recognition to Remuneration," examines the child care work force, its wages, benefit levels, working conditions, and training and career opportunities in a full range of settings such as child care centres and nursery schools, as well as home-based care. The study was funded

through the Sectoral Partnerships Initiative, which is designed to bring together partners in a sector to analyze human resource issues and to develop a plan of action. A committee is now examining ways to act on the study recommendations.

297. Child Care Visions was created in 1995 as a national child care research and development contributions initiative to support projects that will study the adequacy, outcomes and cost-effectiveness of the best child care practices and service delivery models that currently exist.
298. Funds have been invested to create 4,800 new child care spaces, and enhance a further 2,900 spaces, on First Nations reserves and in Inuit communities. This programming is designed and delivered by First Nations and Inuit child care centres at the local level, with good results.

### **Funding Women's Equality Organizations**

299. Women's equality organizations play a very important role in raising public awareness and increasing public understanding.
300. The Government of Canada provides financial support for projects undertaken by women's and other equality seeking organizations aimed at addressing women's economic equality. The following are some examples of these projects:
- the Manitoba Farm Women's Conference — an annual provincial farm women's conference and follow-up evaluation
  - the New Brunswick Women's Intercultural Network — an activity entitled "Steps Towards Economic Self-Sufficiency," which identified and addressed the various systemic barriers to economic participation faced by immigrant and visible minority women in New Brunswick
  - the Nova Scotia Women's Fishnet — to facilitate a community development process aimed at increasing women's ability to participate in all aspects of decision making concerning the fishery and their local communities
301. Two grants from Status of Women Canada (SWC) in 1995-96 and 1996-97 enabled Kootenay WITT (Women in Trades, Technology, Operations and Blue Collar Work) to achieve a number of significant outcomes related to women's participation in British Columbia's economic development. These include:
- Three members of the eighteen-member Advisory Committee of the Columbia Basin Trust (a regional benefit program to address the environmental damage caused by the 1964 Columbia River Treaty between Canada and the United States) are women's



equality advocates. One seat has been specifically reserved for a women's equality representative.

- Equity integration committees have been established under the Science Council of British Columbia, the Columbia Basin Trust and the Island Highway Infrastructure Project to address equity issues on an ongoing basis.
- A formalized commitment was achieved in the Columbia Basin Trust Management Plan to create equitable outcomes for traditionally disadvantaged groups in all development and construction projects administered by the Trust.

302. These outcomes were accomplished by Kootenay WITT working in partnership with other local WITT groups and groups representing First Nations peoples, visible minorities and persons with disabilities to secure the representation of women's equality advocates at a number of key negotiations and consultations affecting trade and technology workers. Once representation was secured, advocates worked to ensure that a gender-based analysis was incorporated into all agreements and practices relating to hiring, training and promotion of trade and technology workers.
303. SWC also contributed funding to the production by the Canadian Bar Association of *Equality for Women in the Legal Profession: A Facilitator's Manual*. This publication is a tool designed to: encourage action on women's equality issues in the legal profession; promote action by legal institutions to incorporate women's equality issues in decision-making structures, policies and programs; and promote equality, diversity and accountability within the legal and other professions. As a result of the use of this tool, a number of policies and procedures in the law societies of various provinces and territories have been changed or are under review. In addition, the Manual has been used by organizations representing the profession of engineering.

## **Research on Women's Poverty**

304. The Government of Canada has provided financial support for gender-based policy research in the area of women's poverty. Through SWC's Policy Research Fund, a number of research projects have been supported which examine the issue of women's poverty.
305. Statistics Canada continues to produce reports on male-female earnings gaps. As well, most income-related outputs include data for men and women separately, where this is appropriate. Further, there is a great deal of emphasis on female lone-parent families in the analyses when results on low income or income distribution are released.

## Article 12: Health

### Article 12.1: Access to Health Care Services

306. Physical, emotional and social well-being at all stages of life are key to women's equality. While female life expectancy remains high in Canada, this positive indicator is offset by other realities, such as violence against women and quality of life issues.
307. Improving women's physical and psychological well-being is one of Canada's key objectives in *The Federal Plan for Gender Equality*.
308. The renewal of Canada's health system is a priority of the Government of Canada. Civil society and government representatives — federal, provincial and territorial — participated in three working conferences in early 1998 to examine home care, pharmacare and the health infrastructure. In its 1997 budget, the government announced the new \$150 million Health Transition Fund. The Fund supports efforts by the provinces to evaluate their health care programs and undertake projects to improve the health care system. The fund focuses on four areas — home care, pharmacare, primary care reform and integrated service delivery — all areas of particular relevance to women.
309. In the 1998 budget, the federal government allocated \$350 million for an Aboriginal healing strategy and \$126 million for new and expanded Aboriginal programs. In 1999, the federal budget allocated additional funds to strengthen Aboriginal communities by improving First Nations and Inuit health services, and providing increased funding for home and community care to northern and Aboriginal women.
310. On March 8, 1999, the Minister of Health launched Health Canada's Women's Health Strategy, a framework to guide Health Canada in addressing biases and inequities in the health system. To meet its goal, the Strategy is organized around four main objectives:
- to ensure that Health Canada's policies and programs are responsive to sex and gender differences and to women's health needs
  - to increase knowledge and understanding of women's health and health needs
  - to support the provision of effective health services to women
  - to promote good health through preventive measures and the reduction of risk factors that most imperil the health of women
311. In 1996, the Government of Canada established the Centres of Excellence for Women's Health Program. The five research centres are mandated over six years to conduct policy-oriented research on women's health. Through focus groups, women identified

health issues that were important to them. Along with focusing on projects that research and promote the empowerment of women, each Centre is a partnership between academic and community-based groups, thus directly promoting the effectiveness of local communities, where many health services are provided. As part of the Program, the non-governmental Canadian Women's Health Network is funded by the federal government to disseminate information on women's health, including new knowledge generated by the Centres, and to foster critical debate.

312. The National Coordinating Group on the Impact of Health Care Reform on Women, representing the five Centres of Excellence for Women's Health and the Canadian Women's Health Network, has begun to document how health care reforms, particularly in the area of privatization, have been implemented in the various regions of Canada. The goal is to ensure that there are ongoing strategies for documenting, researching and monitoring health care reform and its implications for women. The Coordinating Group is focusing on the effects of these reforms on women as health care users and providers (paid and unpaid). The group is especially concerned with ensuring that there are ongoing strategies for documenting and monitoring health reform, and its implications for women.
313. In order to respond to proposed changes to Canada's health protection legislation, the Working Group on Women and Health Protection has been funded by the Centres of Excellence for Women's Health Program. The Group will undertake activities to inform the health protection transition process in areas such as the "medicalization" of women's lives, the drug approval process, reproductive and genetic technologies, and confidentiality and privacy issues.
314. The Research Centres on Family Violence and Violence Against Women were selected in 1991 to establish a sustainable capacity to conduct research on family violence and violence against women. (Funding was provided by the Social Sciences and Humanities Research Council, a federal granting council, and the Family Violence Initiative, an initiative of the federal government.) The Centres incorporate the expertise of front-line organizations, provincial partners and academics. There are five Research Centres across Canada. Partnerships between front-line and academic members are fundamental to the Centres. A process that is mutually respectful lies at the core of their success. Critical to their cohesion is a participatory action research approach, in which the front-line community defines the research question and helps to design the methodology, and then directs, carries out and analyzes the research. Results are then applied in the community. The Research Centres include health care providers on their research teams who are beginning to conduct research on links between violence and health.
315. The experience of family violence, including physical, sexual, emotional and financial abuse, underlies many health problems. Among the negative health outcomes of exposure to family violence are life-threatening injuries, death, mental and sexual/reproductive health problems, and substance abuse and eating disorders. Women, children and older



adults are most likely to sustain injury. From a population health perspective, family violence victims are disadvantaged in relation to income, education and social supports — all determinants of health. Preliminary partial estimates place the annual health costs to Canada of violence against women alone at \$1.5 billion. These health outcomes cannot be addressed without making the link to family violence.

316. In the last decade, Health Canada has developed screening tools for professionals and university curriculum content on family violence, and has funded parenting programs that address family violence prevention. Its Laboratory Centre for Disease Control (LCDC) has undertaken surveillance and developed guidelines on sexually transmitted diseases in children and youth. LCDC collects national sex-disaggregated data on reported child abuse and neglect. In partnership with other departments, Health Canada addresses family violence in Aboriginal populations. Since 1997, Health Canada has used its resources to broaden awareness, increase sensitivity and develop knowledge among health care providers so they can prevent, detect and respond appropriately to family violence. It also supports research to influence policy makers, provinces/territories and the corporate sector to address the issue. Family violence initiatives that focus on violence as a health issue are intended to increase the opportunity for individuals and population groups to lead healthy physical and mental lives and reduce physical and mental health service costs.
317. The first Canada–United States Forum on Women's Health was held in Canada in 1996. This ground-breaking event brought together 300 researchers, health professionals, academics and representatives of voluntary and community organizations to exchange perspectives on women's health issues. Delegates examined a range of health concerns common to women in both countries, including breast cancer, smoking, stress, violence against women and health care service delivery.
318. The inclusion of a gender breakdown in the National Population Health Survey, released in 1996, has generated important information for understanding the incidence of depression, chronic pain and mental health problems among women in Canada and has shed light on the social and economic determinants of health.
319. While the incidence of breast cancer has risen steadily over the last decade, mortality rates have remained relatively stable. Decreasing breast cancer mortality rates among certain age groups have been attributed to screening and improved treatment.
320. In 1993, the federal government initiated the Canadian Breast Cancer Initiative (CBCI). In June 1998, the CBCI was renewed with stable, ongoing funding of \$7 million per year for research, prevention, early detection, quality screening, support to community groups and networks, access to information, public and professional education, diagnosis, care and treatment, and surveillance and monitoring of breast cancer. A key objective is the continued support and coordination of provincial breast cancer screening activities.

321. Previously, women in Canada had been excluded from clinical research trials of new drugs, medical devices and therapies on the grounds of their inconstant hormonal state (compared to men) and researcher liability in the event of pregnancy and subsequent birth defects. In 1996, following consultations with the medical research community, and health advocacy and women's organizations, the government stipulated that manufacturers applying to Health Canada for market approval of drugs had to include women in their clinical trials in the same proportion as they are likely to use the drugs.
322. In the period 1994-97, the federal government allocated \$104 million to the Tobacco Demand Reduction Strategy. During that time, many resources were developed for girls and women. The government has now allocated \$100 million over five years under the Tobacco Control Initiative. Five broad target groups, including women, were identified. This Initiative builds on lessons learned from past strategies and strengthens legislation, regulations, enforcement, and research and public education activities.
323. Canadian women are increasingly becoming infected with HIV, especially those who use injection drugs and whose sexual partners are at increased risk for HIV. In addition, the proportion of AIDS cases among women has increased over time. In 1998, the federal government renewed the National AIDS Strategy with ongoing funding of \$42.2 million annually. Women are identified as a priority group under the renewed Strategy. Collaborative studies, conferences, community initiatives and education projects that meet the specific needs of women are supported.
324. In 1997, the federal government passed legislation amending the *Criminal Code* to specifically prohibit the practice of female genital mutilation (FGM). A workshop module was developed, to be used in community workshops across Canada, to help educate community members about the health, legal and social/cultural aspects of FGM. The government is also working with health care providers and educators to provide effective and sensitive responses to girls and women affected by FGM.
325. With the 1997 federal election call, Bill C-47, a bill to create the Human Reproductive and Genetic Technologies Act, failed to complete the legislative process. The voluntary moratorium on the application of nine reproductive and genetic technologies to humans (e.g., sex selection for non-medical purposes, cloning of embryos, embryo research), declared by Health Canada in July 1995, remains in place. Having consulted with the public, medical professionals and other stakeholders, the federal government will be introducing a comprehensive legislative and regulatory framework in the near future.
326. Canada Mortgage and Housing Corporation (CMHC) is collaborating with First Nations, the Department of Indian Affairs and Northern Development, Health Canada and northern partners to develop five housing demonstration projects on healthy housing. The objectives are to establish house designs that meet the lifestyle needs and climate requirements of First Nations communities in the North. The project will demonstrate



housing that is healthy and affordable, while using much less water and energy than current on-reserve housing. Information is also being distributed on indoor air quality and other housing-related health issues.

## **Article 12.2: Appropriate Services in Connection with Pregnancy**

327. In 1999, the government announced an expansion of Health Canada's Canada Prenatal Nutrition Program. The Program aims to improve the health of high-risk pregnant women and the subsequent birth outcomes with a focus on nutrition, breastfeeding, education and support for the first year of life.
328. The Medical Services Branch of Health Canada is responsible for the delivery of health programs and services to First Nations peoples and the Inuit. Increasingly, Health Canada is moving away from the provision of health services toward First Nations and Inuit control and ownership of their health programs and resources. Aboriginal self-government is one of the federal government's highest priorities.
329. There are several examples of initiatives in this area of particular relevance to Aboriginal women and girls. For example, the Aboriginal component of the national Child Development Initiative (Brighter Futures) helps First Nations and Inuit communities develop mental health and child development programs that are community based and managed. Such programs help improve parenting skills, prevent childhood injury, develop youth activities and community mental health programs, and address the problem of solvent abuse.
330. As part of the Canada Prenatal Nutrition Program, Health Canada, in consultation with First Nations and Inuit communities, has produced versions of *Building Healthy Babies: A Prenatal Nutrition Resource Book* for each cultural group. While infant mortality among First Nations and Inuit people is still higher than among other Canadian groups, the rate has dropped dramatically. The First Nations and Inuit Health Programs Directorate (within the Medical Services Branch of Health Canada) funded a video on breast cancer detection among Aboriginal women, and is working with Aboriginal organizations to make existing screening features available to all communities. Another area of research into the health needs of Aboriginal women has been projects on the risk factors of HIV/AIDS.
331. The First Nations and Inuit Health Programs Directorate successfully collaborated with the Society of Obstetricians and Gynaecologists of Canada to set up the Aboriginal Women's Committee, which has held workshops and information sessions to educate the Society's members on the needs of Aboriginal women.
332. In October 1998, the Minister of Health announced the expansion of the Aboriginal Head Start Program to First Nations children and their families living on-reserve. Funding for



the Program has been set at \$100 million over four years. This complements the Aboriginal Head Start Initiative launched in 1995 to help enhance child development and school readiness of First Nation, Métis and Inuit children living in urban centres and large northern communities. As women are pivotal to the health of families and communities, they will play a key role in the Aboriginal Head Start Program.

## **Civil Society**

333. Health Canada is committed to increasing the role of civil society in policy and program development. For example, Phase III of the National AIDS Strategy (1998 and ongoing) was planned following extensive consultations with NGOs and members of the public, including women living with HIV/AIDS.
334. The Government of Canada has also provided funding support for activities undertaken by women's organizations and other NGOs aimed at addressing the issue of women's health and well-being. Examples of funded initiatives follow.
335. In 1996-97, funding was provided to the Aboriginal Nurses Association of Canada in support of an activity entitled "Health Care Reform and the Team Approach in First Nations." This two-day educational program explored approaches and strategies relevant to community health planning, women's health and partnership building. It also involved site visits to seven Aboriginal communities to discuss community health plans in action. This was followed by the adoption of resolutions and an action plan by members of this organization, as part of its annual general meeting.
336. In 1997-98, funding was provided to the Réseau québécois d'action pour la santé des femmes in support of an initiative to promote the participation of women in the development of policies and programs aimed at better responding to women's health needs.
337. Multi-year funding (1998-99, 1999-2000, 2000-01) is being provided in Alberta to Multicultural Health Brokers for Advancing Minority Women's Health and Well-Being — An Intersectoral Program and Policy Development Initiative. The aim is to increase access by marginalized minority women to, and participation in, decision making about culturally appropriate health and social services. Outcomes will include the development of guiding principles, practice standards and policies on the creation of meaningful relationships between immigrant and refugee women and families, and institutions.
338. Funding was provided to the Kinap'eskew Consulting Group through SWC's Policy Research Fund for a research project entitled, Health Issues for Aboriginal Women in Urban Centres in the Maritime Provinces. This project will focus on the economic impact of women living in urban centres in the Maritimes. Using talking circles, the leadership

will investigate the overall health concerns of urban Aboriginal women, identify gaps in health care policy and establish a database.

## **International Activities**

339. At the UN Working Group on Indigenous Populations (WGIP) at Geneva in July 1997, Canadian Aboriginal health experts hosted a joint Canada/World Health Organization (WHO) workshop on substance abuse and healing, at which Aboriginal women played a major role in focusing on the special health concerns of indigenous women. This workshop was organized with financial and policy support from the Department of Foreign Affairs and International Trade (DFAIT), and supported the designated theme of health for the 1997 WGIP, as one of the principal themes of the International Decade of the World's Indigenous People.
340. As part of Canadian preparations for the UN General Assembly Special Session in June 1999 to review the International Conference on Population and Development/Program of Action (ICPD+5), Health Canada, in collaboration with DFAIT and the Department of Indian Affairs and Northern Development (DIAND), provided support to the Aboriginal Nurses Association of Canada to host the Aboriginal Roundtable on Sexual and Reproductive Health. The Roundtable was intended, as a first step, to identify, in partnership with Aboriginal people, sexual and reproductive health concerns for Aboriginal women in particular, and to develop joint strategies for addressing these concerns. The results of the Roundtable were distributed in the form of a report at the Special Session.
341. CIDA has made women's health and reproductive health a top priority. In Bangladesh, Canada has supported the capacity building of the Ministry of Health and Family Welfare to improve reproductive health and family service delivery. In Africa, Canada continues to support NGOs working to raise awareness of the harmful consequences of such customs as FGM, and to increase awareness among both men and women of the importance of AIDS prevention.

## **Article 13: Economic and Social Life**

342. Extensive discussion of federal measures regarding the economic condition of women is also found under articles 11 and 16.
343. In 1996, the federal government consolidated existing federal-provincial transfer programs into the Canada Health and Social Transfer (CHST). The CHST is a block grant to provinces to support health, post-secondary education, social services and social assistance programs. Many of the programs funded under the CHST, including child care subsidies for low-income mothers, counselling and support services, rape crisis centres and shelters, are of particular importance to women. The new CHST was introduced to

give the provinces greater flexibility in the design and delivery of programs. The CHST legislation states that: the principles/conditions of the *Canada Health Act* will be maintained; no period of minimum residency shall be required or allowed with respect to social assistance; and the federal government should invite the provinces to consult and work together to develop, through mutual consent, a set of shared principles and objectives for social programs other than health. The 1998 budget raised the cash floor of the CHST from \$11 billion to \$12.5 billion. As women are the primary users and providers of health care in Canada, the increase in federal transfers and equalization payments, and other initiatives to support health care, will allow each province and territory to be more responsive to the needs of women across the country.

344. The Aboriginal Women's Program is the primary source of federal funding to Aboriginal women's organizations for the purposes of improving their socioeconomic and political status. It enables Aboriginal women to advance their interests through the initiation of activities and projects that improve social conditions, cultural retention and preservation, economic well-being and leadership development, while maintaining cultural distinctiveness and preserving cultural identity.
345. Women entrepreneurs are changing the face of business in Canada. Firms headed by women are now creating more jobs than the largest 100 companies in Canada combined. A 1996 Bank of Montreal study found that women-led firms are creating new jobs at four times the rate of the average firm.
346. The government is encouraging this vital economic current with a number of initiatives aimed at two critical areas for women entrepreneurs — starting and expanding their businesses.
347. The Business Development Bank of Canada, a Crown corporation, provides loan assistance and counselling for business owners. It also offers seminars and conferences specifically designed for women in business.
348. STEP-IN and STEP-UP programs offer a 10-month training opportunity, counselling and mentoring to assist women who are starting or expanding their businesses. The programs are a partnership of the federal and provincial governments, and the private sector.
349. In 1998, a seminar on access to credit for women entrepreneurs was organized by Le Groupe conseil femmes-expertise, in cooperation with Canadian Heritage, Status of Women Canada and the Quebec Ministère de l'Industrie, du Commerce, de la Science et de la Technologie, in order to address entrepreneurship issues experienced by women. FedNor, the federal government's economic development initiative in Northern Ontario, also offers funding to support women entrepreneurs.



350. In 1998, FedNor supported a mission for Northern Ontario women entrepreneurs to Chicago. Since 1996, FedNor has consulted with a number of Aboriginal community organizations, including the Ontario Native Women's Association, in order to support Aboriginal business and economic development in the region.
351. Western Economic Diversification Canada supports women entrepreneurs in Western Canada. In 1996, there were approximately 275,000 self-employed women entrepreneurs (up 35 percent from 1991) mostly concentrated in personal and household services, and health and social services. Recognizing that entrepreneurship presents women with unique opportunities and challenges, Western Economic Diversification launched the Women's Enterprise Initiative in 1994, which makes loans available to women entrepreneurs. In 1996-97, the Initiative made 107 loans to women entrepreneurs, for a total of \$2.3 million.

### International Activities

352. DFAIT works actively to support women business owners. In June 1998, the Department launched the Businesswomen in Trade Website that allows women business owners to learn more about government services and how to export successfully. It also allows them to network online, learn about financing and insurance services, and locate foreign business opportunities. The site launch reached over 500 Canadian women.
353. The Trade Research Coalition, under the direction of 20 Canadian businesswomen, academics and government representatives, launched a major research project in September 1998. The project surveyed 254 women business owners, examining their export patterns and export service requirements. The results, contained in the document *Beyond Borders: Canadian Businesswomen in International Trade*, was launched to 1,500 businesswomen during a national video conference call on International Women's Day, March 8, 1999. The call joined nine sites across Canada, the United States, Argentina and the United Kingdom. Through this initiative, DFAIT identified and added 2,100 new businesswomen contacts to its database, and developed the first quantified documentation in Canada on the export activities and attitudes of this growing market sector. Following the release of the report and in conjunction with its partners, DFAIT coordinated and held extensive focus groups across the country. These focus groups helped to expand the awareness of *Beyond Borders* and brought forward concrete recommendations on how to improve the success of women-owned small- and medium-sized enterprises (SMEs) in foreign markets.
354. This research provided the main substance of the policy elements discussed at the Canada/U.S.A. Businesswomen's Trade Summit, in May 1999 in Toronto, which focused on women business owners. Participating in the Summit were 150 Canadian and 150 American businesswomen within SMEs. Participants were provided with an opportunity to discuss trade impediments between the two countries as experienced

particularly by businesswomen and researched by the Trade Research Coalition. New partnerships were formed through organized networking events.

355. Canada plays a lead role in advancing the interests of women in Asia-Pacific Economic Cooperation (APEC). Canada's goal is to ensure that APEC recognizes the specific realities of women's lives and systematically considers the implications of gender in its work. Canada was instrumental in the establishment of the Women Leaders' Network, an APEC-related body that has met annually since 1996. In 1997, during its year as chair of APEC, Canada successfully initiated the concept of the Ministerial Meeting on Women in APEC, which was held in the Philippines in October 1998 on the theme of Women in Economic Development and Co-operation in APEC. This was the first ministerial-level meeting on women in a multilateral trade-related organization.
356. The Government of Canada has also worked to fast-track Aboriginal businesswomen into the APEC trade environment. Before the Women's Leaders Network and the APEC trade ministerial meetings in June 1999, a three-day conference was organized to bring indigenous businesswomen together from each of the 21 APEC countries. The conference built awareness of the scope of APEC for Canadian Aboriginal businesswomen; provided them with an introduction to potential trading partners from 20 other countries; and built their knowledge of the APEC trade process and their opportunities for trade. Recommendations from the conference will also be conveyed to the APEC trade ministers concerning the requirements and importance of Aboriginal businesswomen.
357. In 1996, the Canadian International Development Agency (CIDA) provided seed funding for a new project, Gender and Economic Reforms in Africa. The project focuses on increasing the capacity of African research organizations and women's groups to research, analyze and influence economic policies from a gender perspective.
358. Through CIDA, a micro-credit program for rural women's groups involved in agricultural production/processing and fish farming in Cameroon has taught entrepreneurship to rural women and provided credit. In Colombia, the Calmeadow Foundation of Canada has provided training workshops and a revolving fund to assist micro-entrepreneurs in low-income communities. Women comprise 60 percent of the borrowers in this program, and their increased participation is being encouraged.
359. A key Canadian objective for the World Food Summit in 1996 was the integration of a gender perspective in all development and economic activities. Equal access to education, credit and the ownership of land is critical if women are to contribute fully to poverty reduction and food security.

## Article 13(a): The Right to Family Benefits

360. Established in July 1998, the National Child Benefit (NCB) system is a federal–provincial-territorial initiative designed to support low-income families and reduce child poverty. The federal government provides increased income support to these families, through the Canada Child Tax Benefit (CCTB), while provinces/territories develop programs and services targeted to low-income, employed parents and their children. These programs and services include child care and health benefits. About half of NCB beneficiaries are lone-parent families headed by women. The 1999 federal budget proposes to build on the NCB by increasing the income threshold at which benefits start to be reduced from \$25,921 to \$29,590 at a cost of \$300 million.
361. The goals of the initiative are to:
- help prevent and reduce the depth of child poverty
  - promote parental attachment to the paid labour force
  - reduce overlap and duplication between Canadian and provincial/territorial programs
362. Under the previous system, some families were actually worse off when parents increased their employment income and no longer received social assistance because they lost special types of income support, benefits such as dental care and other services for their children.
363. The NCB begins to address this situation, in part, by restructuring programs and services to ensure that all low-income families with children receive comparable income support, benefits and services. As families leave social assistance for paid employment, they continue to receive financial support to assist with their children and child-related costs of employment. Overall, income support to families on social assistance remains at least the same as it was before implementation of the NCB.
364. As federal funding for income support for families with children increases, provinces and territories have agreed that any savings realized will be re-invested in complementary programs to improve attachment to the paid labour force, and benefits and services for low-income families with children. Provinces and territories have announced innovative child benefit programs that reduce the gap between what social assistance recipients and employed parents receive, including income support programs, earned-income supplements and in-kind benefits (e.g., health/dental benefits) as well as child care and programs for families/children at risk. Given that there is substantial movement of many families between social assistance and employment, this will provide more security for all low-income families with children.



365. Aboriginal people living on reserves will also benefit from re-investment savings under the NCB, and work is under way to improve access of First Nations families to the CCTB.

### **Article 13(c): The Right to Participate in Recreational Activities, Sport and All Aspects of Cultural Life**

366. The federal government is involved in a number of initiatives to increase women's participation in culture and sport. *The Federal Plan for Gender Equality* has, as an objective, the promotion of gender equality in all aspects of Canada's cultural life.
367. Sports Canada, in association with the Canadian Association for the Advancement of Women and Sport and Physical Activity, supports the Breakthrough Awards, a celebration of the accomplishments of Canadian women in sport. In 1998, the Breakthrough Awards joined with the Canadian Sport Awards and received significant media coverage.
368. Since 1996-97, national sport organizations have been required to specify certain levels for women's equality and access where female participation/representation is less than 40 percent, and they must have an approved harassment policy and procedures to receive federal support. The Canadian Hockey Association, through federal funding and in conjunction with the Red Cross Abuse Prevention Services program, has been developing harassment resource materials for clubs and sport organizations. One of these resources, the *Speak Out! . . . Act Now!* guide, was released in January 1998.
369. In conjunction with the 1998 Winter Olympics in Nagano, Japan, a series of vignettes were developed featuring Olympic and Paralympic athletes. Female athletes were featured in six of seven vignettes, with women's hockey featured in two more. The portrayal of women athletes in a major, nation-wide television campaign during the Olympic and Paralympic Games promoted successful female athletes as role models and leaders.
370. This decade, the federal government has focused on the commemoration of the contribution of women to Canadian history. Since 1995, 27 designations related to women have been made. These include: important events, such as the winning of the vote; important places, such as nurses' residences and the Women's College Hospital; important groups, including the Women's Christian Temperance Union; and important women, such as Emily Stowe, Margaret Newton and Edith J. Archibald. Every year, the National Library of Canada adds new components to its website profile of the contributions of Canadian women entitled "Celebrating Women's Achievements."
371. Museum exhibitions, events and other programming — both in the context of International Women's Day and Women's History Month, and as part of regular programs — also serve as important vehicles for making Canadians more aware of the historical role of women in the development of Canada. Exhibition highlights include those featuring women inventors and domestic life (National Museum of Science and

Technology), the Women in Aviation touring exhibition created by the National Aviation Museum, and an exhibition at the Canadian War Museum on the Canadian Women's Army Corps.

## **Article 14: Rural Women**

### **Article 14.1: Economic Equity for Rural Women**

372. In 1994, the Federal-Provincial-Territorial Ministers of Agriculture adopted a record of decision on the advancement of farm women, recognizing the essential role of farm women as economic partners for a prosperous agri-food industry. The ministers agreed to promote and support initiatives enabling farm women to participate, to a much greater extent, in policy and decision-making forums affecting the operation and development of the agricultural sector. Part of their commitment to advancing farm women in leadership and decision making was their agreement to meet with farm women leaders annually. Since 1994, the federal Minister of Agriculture holds annual business meetings with leaders of national farm women's organizations.
373. Agriculture and Agri-Food Canada (AAFC) monitors Canada's progress on the advancement of women in any decision making by inviting provincial ministers of agriculture to submit annual updates on any measures taken in their provinces to increase women's participation in policy and decision making or to ensure that more women are appointed to agencies, industry boards, commissions, etc. Responses are analyzed and a summary report distributed to the provinces as well as to farm women's organizations.
374. Through the Farm Women's Bureau, AAFC conducts regular meetings with national farm women leaders, as well as regular conference calls, to exchange information on priority issues and activities, and obtain their input in departmental work planning.
375. Since 1996, AAFC has continued to work toward implementing women's participation in departmental and industry consultations by monitoring participant lists, and providing names of farm and rural women participants to conference and consultations organizers.
376. To increase women's representation in decision-making forums, AAFC developed a national farm/rural women's talent bank for reference by senior officials when considering appointments to agricultural agencies, boards and commissions.

## **Article 14.2: Rural Development**

377. In partnership with other departments, AAFC has provided funding to farm and rural women's groups through various departmental programs for projects related to issues of concern to women. This includes health and farm safety, rural child care, family violence, social, economic and legal rights for farm women and organizational development. It also includes the participation of farm and rural women at national and international conferences, including the 1995 Beijing World Conference on Women and, most recently, the Second International Women in Agriculture Conference in Washington, D.C.
378. Rural women were an integral part of the Canadian Rural Partnership initiative. In 1998-99, five of the ten Selection Advisory Committee members were women, thus ensuring a gender balance in the review of pilot project proposals. Approved pilot projects included a focus on rural women. In 1999-2000, a greater number of pilot projects that target women as the main focus are being recommended for consideration.
379. Women's groups were encouraged by the Rural Secretariat to participate in the Rural Dialogue. For example, in the summer of 1998, Women and Rural Economic Development organized its own workshop to ensure that women's issues were captured as part of that phase of the Dialogue. At the National Rural Workshop held in 1998, 50 percent of the participants were women. This Workshop was by invitation only, and a conscious decision was made to target 50 percent female representation. Since the Workshop, the focus of the Dialogue has been on conducting regional activities with efforts being made to include an equal representation of women.
380. Status of Women Canada (SWC) is a member of many of the rural teams across Canada, providing valuable advice with respect to ensuring that rural women's interests are considered for federal-led rural initiatives. The Rural Secretariat is in regular contact with the Farm Women's Bureau to keep farm women informed of rural initiatives and to invite their participation.

## **Article 15: Legal Rights**

### **Article 15.1: Equality with Men Before the Law**

381. Under Canadian constitutional arrangements, the administration of justice is primarily a provincial matter, with the federal government exercising some jurisdiction over spending powers. Since 1995, the federal government no longer specifically earmarks moneys transferred to the provinces for civil legal aid. Civil legal aid is available across Canada; however, eligibility criteria vary among jurisdictions.



382. The Canadian Bar Association created the Standing Committee on Equality to monitor the implementation of the recommendations put forward by the Canadian Bar Association Task Force on Gender Equality in their report, *Touchstones for Change: Equality, Diversity and Accountability*. The report contained over 200 recommendations on how to improve the situation of women in the legal profession. The Committee established the Action Plan on Equality which records, on a yearly basis, the progress of the various institutions implicated in the Task Force's recommendations. The Department of Justice submits an update each year to the Committee on progress made since the 1993 recommendations. The last update was provided in May 1998.
383. Actions undertaken by the federal Department of Justice in response to the recommendations include: monitoring the equity of allocation of workload, particularly in senior positions; accommodating family responsibilities through a comprehensive policy on alternative working arrangements; and establishing a policy for the hiring of legal agents from law firms where demonstrated commitment to employment equity is evident.
384. Canada played a leadership role in the creation of the independent and effective International Criminal Court. Canada was also instrumental in achieving a gender-sensitive statute, including securing the provision that the applicable sources of law must be applied without adverse distinctions based on grounds such as gender. Canada continues to promote the integration of a gender perspective in the Elements of Crimes and the Rules of Procedure and Evidence.
385. Canada advocated for the successful inclusion of sexual and gender-based violence within the definition of crimes, for provisions ensuring protection of victims and witnesses, and for the assurance of relevant expertise in the composition and administration of the International Criminal Court. Canada was also instrumental in securing references that states should strive to elect judges who possess expertise in violence against women, and that the prosecutor take measures to ensure the effective investigation of sexual violence and violence against children.
386. Canada strongly supported the appointment of advisors on gender-based violence to the International Criminal Court, and the establishment of a Victims and Witnesses Unit for the protection, security and counselling of victims and witnesses, including staff experienced in trauma related to crimes of sexual violence. Canada appointed an NGO advisor with expertise in gender issues to the Canadian delegation to the Rome Conference, which was held in July 1998 to establish the International Criminal Court, and worked in close collaboration with NGOs interested in ensuring gender-sensitive outcomes.

## **Article 16: Women and the Family**

387. On March 6, 1996, the government announced comprehensive child support reforms in the budget speech. The reforms included the introduction of child support guidelines and a change in the tax treatment of child support which came into effect on May 1, 1997. The child support guidelines (Bill C-41) were stalled in Senate Committee hearings in November 1996. In order to resolve the stalemate, it was agreed that the Senate Committee would monitor the use of the guidelines and that a joint House of Commons–Senate committee would review the issue of custody and access.
388. The Special Joint Committee on Child Custody and Access was established in December 1997 to examine and analyze issues related to custody and access arrangements after separation and divorce. Throughout 1998, the Committee held 55 public hearings. On December 9, 1998, it tabled its report, *For the Sake of the Children*, which contains 48 recommendations referring to a wide variety of issues.
389. The Minister of Justice tabled the government response on May 10, 1999. The response incorporates the key themes, concerns and recommendations contained in the Committee's report within the context of a proposed federal strategy for reform — the principal directions the government will be exploring with the provinces and territories over the next few years.
390. The process to implement the strategy for reform will involve working closely with the provinces and territories in coordination with the federal government's comprehensive review of the Federal Child Support Guidelines. The Minister of Justice must table a report by May 1, 2002, on the operation of the new Child Support Guidelines. The strategy for reform outlined in the response will be carried out in conjunction with the child support review. The report to be tabled in 2002 would deal with both custody and access, and child support.

### **Article 16(d): The Same Rights and Responsibilities as Parents in Matters Relating to Their Children**

391. In 1996, a new child support system was announced. The system has four key features:
- introduction of a no-deduction/no-inclusion tax treatment
  - creation of new guidelines for the calculation of child support payments
  - new enforcement measures
  - an increase in the Working Income Supplement (since superseded by the new National Child Benefit System)

392. The outcome of the new tax treatment is that the full amount of the support payment can be used to care for the child. New federal child support guidelines make it easier to calculate the appropriate amount for support payments — making the system more consistent and predictable. New measures assist provincial and territorial authorities in enforcing child support orders. For example, the Canada Customs and Revenue Agency database has been added to the list of federal information banks, that can be used to track defaulters. Federal pensions can now be diverted to pay for child support, and federal passports and certain federal licences can be suspended if a debtor is in persistent arrears. In addition, the legislation provides for measures to help the provinces streamline the collection of out-of-province orders. A standardized database on default and compliance of support orders will also help governments design more effective enforcement mechanisms. Since 1997, the *Bankruptcy and Insolvency Act* contains provisions which give preference to recipients of child and spousal support, whose parents or former partners have filed for bankruptcy, arrears for certain amounts. These recipients are overwhelmingly women. As preferred creditors, such recipients take precedence over unsecured creditors. Outstanding child and spousal support payments remain unextinguished by bankruptcy. The Act also allows damage awards for bodily harm intentionally inflicted or sexual assault to remain undischarged by the bankruptcy.

### **Article 16(h): The Same Rights in Respect to Ownership and Disposition of Property**

393. The Minister for DIAND made the concerns of First Nation women a priority. On December 9, 1999, the Minister announced that he would be naming a special representative whose broad mandate will be to make recommendations ensuring the protection of First Nations women's rights. The Special Representative for the Protection of First Nations Women's Rights will be mandated to examine the division of matrimonial real property on reserve in the case of marital breakdown.





## **PART III**

### **Measures Adopted by the Governments of the Provinces**

## Newfoundland

394. This Report is the submission for the province of Newfoundland, covering the period from April 1, 1994 to March 31, 1998.

### Article 2: Anti-Discrimination Measures

395. The *Human Rights Code* continues as the legislation providing recourse for alleged discrimination and sexual harassment in the province of Newfoundland. Approximately 40 percent of the total complaints received by the Human Rights Commission during this time period were related to some form of sexual discrimination or harassment.
396. The *Human Rights Code* was amended in 1997 to add sexual orientation as a prohibited ground of discrimination.
397. The *Human Rights Code* allows the Commission to approve special programs designed to eliminate disadvantages suffered by women.

### Article 3: Measures to Ensure the Advancement of Women

398. Newfoundland's Department of Education has developed a curriculum module called "Balancing Students' Rights and Responsibilities." The guiding principles of the program centre around the basic human rights and responsibilities of all individuals. Modules have been developed for each level of schooling (primary, elementary, intermediate and senior high) containing staff development activities and activities to be implemented in various curriculums.
399. Guidance counsellors provide services in schools including counselling, guiding, consulting, assessing, providing information services and researching. They also educate, counsel and refer students (as required) on matters such as sexual exploitation and abuse, dating violence, neglect, drug abuse, discrimination, decision making, entering non-traditional occupations and post-secondary education choices.
400. The departments of Education and Human Resources and Employment and the Newfoundland Teachers' Association have produced brochures for distribution throughout the province dealing with "Child Sexual Abuse Information for Families" and "Child Abuse Information for Families."



401. In 1996, the *Freedom of Information Act* and the *Privacy Act* were amended to allow for the release of information regarding the criminal history of an individual which, in the opinion of the minister, is in the public interest to disclose.

#### **Article 4: Temporary Special Measures**

402. The Government of Newfoundland provided funding to a number of programs to benefit women including: Women Interested in Successful Employment; Women in Resource Development; Women in Construction Technology; funding for a Single Parents' Association; and funding for the establishment of a number of Women's Centers across the province.

#### **Article 5: Elimination of Stereotypes**

403. The Department of Education offers a number of courses in the school curriculum which address human development and family living. These courses have been reviewed, and any elements of gender bias have been removed.
404. A financial management resource, *Money Smarts*, has been included in the Healthy Living course for Level I senior high students.
405. The Department of Education devotes a quarter of the time of a Student Support Services consultant to work with the Provincial Strategy Against Violence.
406. The Child Care Module in the Intermediate Level Home Economics Program teaches students about child behaviour, development and care.
407. The *Child Youth and Family Services Act* was passed in 1998 and will be proclaimed in 1999. In dealing with situations of domestic violence, s. 21(4) of the Act will now allow the court to order the removal of an offender from the child's residence. Currently, it is often the case that mothers and children who are the victims of violence are the ones who must leave the family home and move to safety.

#### **Article 6: Trafficking of Women and Prostitution**

408. The new *Child Youth and Family Services Act* also allows a social worker to seek approval from a judge to prohibit contact between a child or youth and a person believed to be a risk to the child or youth.

## Article 7: Women in Politics and Public Life

409. Special measures have been taken to include gender equity as a principle in the development of regional economic development boards in Newfoundland. While members of these boards are elected or appointed at the regional level, the government has indicated that it supports a gender balance and has encouraged the boards to make special efforts to increase the participation of women at all levels within their organizations. *Towards Gender Equity in Regional Economic Development: A Handbook for Regional Economic Development Boards* was published by the Women's Policy Office and the Department of Development & Rural Renewal in 1996.

## Article 10: Education

410. Newfoundland's Department of Education has initiated numerous measures designed to eliminate discrimination against women and to ensure equal rights with men in the field of education. These measures include the following:
- the *Equity in Apprenticeship in Canada* report has been completed and the information presented to jurisdictional authorities responsible for apprenticeship
  - a course component addressing information about human rights and non-discrimination has been developed and implemented in the high school curriculum
  - the "Religious Education Outcomes" program teaches students from Kindergarten to Grade 12 about issues related to morals, values, decision making, the importance of the family and the community, the environmental crisis and quality of life, and the combating of prejudice, discrimination and poverty
  - cooperative education programs allow students the opportunity to try non-traditional occupations
  - the development of documents and programs and the screening of recommended resources for content related to equity issues (The criteria used in the screening include stereotyping, overstatement of advocacy, overstatement of denigrations, preferential or detrimental treatment, omission.)
  - in conjunction with the provincial strategy against violence, the development of a newsletter entitled *Creating a Safe Caring Community*, which was circulated throughout the province

- public health nurses visit schools and give presentations on family planning as requested

411. In the province of Newfoundland, the female high school completion rate and post-secondary education participation rate is higher than that of males. While participation rates in all fields have increased, women still tend to be under-represented among those training for occupations in the sciences, engineering, technology and trades.
412. The Department of Health and Community Services provides services to adolescent mothers before and after they give birth and identify and implement individual support service plans for these students.
413. Approximately 50 percent of all employment program placements sponsored by the Department of Human Resources and Employment were filled by women.

## **Article 11: Employment**

414. In 1991, the Government concluded pay equity studies for Newfoundland and Labrador Hydro and the Health Care Sector I ("Support" classifications). To date, all but one affected female-dominated classes have received their final pay equity adjustment. The last class will receive the final adjustment on March 20, 2000. All pay equity adjustments will be incorporated into the appropriate pay scales in 2001.
415. In the case of the other groupings within the health care sector, affected female-dominated classes in the Allied Health Professional group and the Laboratory and X-ray group have received their final adjustments. These adjustments will be incorporated into the appropriate pay scales in 1999. Affected female-dominated classes in the Nursing Sector received adjustments in the amount of 1 percent of payroll for four years starting May 4, 1995, with the remainder paid out in installments of 2 percent of payroll on an annual basis with the final adjustment due in 2001. It is anticipated that the pay equity adjustments will be incorporated into the appropriate pay scales in 2002.
416. For the General Government Sector, pay equity adjustments were paid out in installments of 2 percent of total payroll effective October 1996 and April 1998. It is anticipated that the pay equity adjustments will be incorporated into the appropriate pay scales in 1999. In the case of the Newfoundland and Labrador Housing Corporation and Workers Compensation Commission, pay equity adjustments were paid to affected female-dominated classes effective October 1996.



417. Pursuant to the *Labour Standards Act*, upon returning to work from adoption, maternity or parental leave, an employee must be placed in the same or similar position with the same duties, benefits and wages held prior to the leave period.
418. The *Child Care Services Act* was assented to in 1998. This legislation provides for improved child care services through the addition of licensed family daycare which was not previously available in this province. In addition, children under the age of 2 can now be cared for in a licensed daycare setting. Funding has also been increased for child care subsidies to allow more low-income families who meet financial eligibility requirements to receive this funding.
419. Since 1997 in Newfoundland, there has been a major focus on removing barriers to employment, reducing dependence on income support and returning people to work. Since that time, the number of single parents on social assistance per month has declined over 8 percent, and the number of employable families in receipt of social assistance has declined by 19 percent.

## Article 12: Health

420. A reorganization of the provincial health care system resulted in the establishment of Regional Health and Community Services Boards in four regions throughout the province and Integrated Boards (Community and Institution) in two regions of the province, in addition to the six Institutional Boards. Regional governance of health and community services is accepted as the most effective mechanism for increasing the efficiency of the system. Universal health care services are available to both men and women in the province. Community-based pregnancy and postnatal services are delivered by both Regional Integrated and Health and Community Services Boards. Community health nurses are responsible for a significant amount of the programming delivered to women. Other health professionals such as nutritionists and health care educators are also involved. Confinement services are provided primarily by Regional Institutional and Integrated Health Boards. Primary care physicians are also major providers of reproductive care and are accessible throughout the province for the most part.
421. Current renovations and expansion of the Health Sciences Complex will result in the consolidation and improvement of antenatal, perinatal and postnatal health and medical services for women in the province experiencing high risk pregnancies.
422. Several years ago, the Morgentaler Abortion Clinic, located in St. John's, became a completely publicly funded agency, thus allowing free access to all services. Prior to this, women were charged a moderate fee.

423. Major activities are under way both in the hospital sector and the community sector to increase the rate of breastfeeding. Detection of postpartum depression has also been highlighted in awareness and education campaigns.
424. The recent establishment of an advanced role for nurses — the Nurse Practitioner (NP) — was in response to insufficient medical and health care in rural areas. The NP is assuming the full range of “normal” pregnancy services generally provided by physicians, which will allow for a greater number of services to be available closer to individual communities. Approximately 24 NPs are currently working in the province.
425. Annual grants are provided to a variety of non-governmental organizations in the business of providing reproductive health services. Recipients include Planned Parenthood, the Care Centre for Women and others.
426. Healthy Baby Clubs, part of the federal government’s initiative Canada’s Action Plan for Children, are found in many locations throughout the province. These programs provide support, education and tangible resources to pregnant women and new mothers.

### **Article 13: Economic and Social Life**

427. The Department of Human Resources and Employment provides increased financial support for those women who are pregnant and on income support.

### **Article 14: Rural Women**

428. Changes to the structure of the provincial health care system as reported in Article 12 has resulted in increased accessibility to services for those living in rural areas.
429. The Department of Education has initiated a new program aimed at providing greater access to adult basic education in rural Newfoundland.

### **Article 16: Women and the Family**

430. In 1997-98, the *Family Law Act* and Regulations were amended to adopt a set of child support guidelines which provide a benchmark for the awarding of support for children of separated parents. The Act also insures that priority in granting applications be given to applications for support of a child over support of a dependent who is not a child.

## Prince Edward Island

431. This Report is the submission for the province of Prince Edward Island, covering the period from April 1, 1994 to March 31, 1998.

### Legal and Other Measures Adopted April 1, 1994 to March 31, 1998

432. The *Employment Standards Act* requires employers to provide an employment environment free from harassment. In 1995, a Safety in the Workplace Education Initiative was hosted by Labour, Occupational Health and Safety and Status of Women sectors. Posters were distributed to all workplaces.
433. In compliance with the *Employment Standards Act*, a public service workplace harassment policy, Creating a Positive Work Environment, was jointly developed by the public service union and the Government of Prince Edward Island, in recognition of the right of public service employees and clients to be free from harassment in the workplace. Educational sessions were held for all employees.
434. Changes to the *Civil Service Superannuation Act* were made to allow for splitting of a member's pension assets in the event of marriage breakdown. These proposed changes have been approved.
435. A series of education sessions on promoting equity and diversity in employment have been held with representation from the four designated groups — women, Aboriginal peoples, persons with disabilities and visible minorities. Advice on strategic directions for improving the workplace culture for designated groups has been prepared as groundwork for future education and policy development.
436. The *Victims of Family Violence Act* and Regulations were developed in 1994-95, and the Act was proclaimed in 1996. It provides immediate community access to emergency protection and intervention. Public education sessions were conducted and the *Islanders Guide to Victims of the Family Violence Act* was prepared and distributed by Community Legal Information Association. An information kit on victim assistance orders is available to assist victims in understanding their rights under the Act, as well as any documentation requirements. Legal aid is available to those victims who meet financial eligibility criteria.



437. Educational programming aimed at promoting women and leadership and management was piloted in 1996 and 1997 with partnership assistance from the federal and provincial governments and the University of Prince Edward Island. The Management Development Program for Women is currently being offered as a program at the University. Demand for spaces has exceeded quotas each year that the Program has been offered.
438. The Premier's Action Committee on the Prevention of Family Violence, a five-year strategic government–community partnership, is facilitating and updating family violence response protocols, conducting public education, and distributing information on violence recognition and prevention in the workplace.
439. The Provincial Department of Development offers a grants program for women entrepreneurs as a part of promoting enterprise development by women.

## **Progress**

440. Representation of women in public leadership positions in Prince Edward Island is reported as a proxy indicator of women's equity progress. The table that follows shows the update for 1998.

### Representation of Women in Public Leadership Positions

	Total Positions	Total Number of Women in Positions	Total in 1993 (%)	Total in 1998 (%)
Member of Legislature	27	4	25.0	14.8
Provincial Cabinet Ministers	9	2	11.1	22.2
Provincial Deputy Ministers	9	2	22.2	22.2
Mayor/Chair of Municipal Council	75	18	14.6	24.0
Member of Municipal Council (other than Chair)	404	111	22.3	27.5
Chair of School Board	3	2	60.0	66.7
Member of School Board (other than Chair)	29	13	32.8	44.8
Supreme Court Justice*	8	2	12.5	25.0
Provincial Court Judge*	3	1	0.0	33.3
<b>Total</b>	<b>567</b>	<b>155</b>	<b>22.4</b>	<b>27.3</b>

\*In this report, these last two categories were included, although individuals are appointed to these positions, rather than being elected.

## Nova Scotia

### Introduction

441. This report summarizes Nova Scotia's policies, legislation and programs relevant to the articles of the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). It contains profiles of measures adopted and/or undertaken by the province between 1994 and 1998 that give effect to the provisions of the Convention. The Government of Nova Scotia is pleased to note that substantial progress has been made on behalf of the women of Nova Scotia during this period. The government is committed to continuing this work within the context of its social, fiscal and economic growth priorities, in order to eliminate any and all forms of discrimination that remain active in our society.

### Article 2: Anti-Discrimination Measures

442. The *Nova Scotia Human Rights Act* (R.S.N.S. 1989, c. 214) is the principal anti-discrimination law providing recourse for women who allege sex-based discrimination. Major revisions made to the Act in 1991 had the effect of providing additional protection to children and their families. Family status, defined as "being in a parent-child relationship", was added as a new characteristic under which discrimination is prohibited and the protection from discrimination on the basis of marital status was expanded to apply to all facets of public life. Pregnancy-based complaints are considered complaints of discrimination based on sex. The Act also prohibits sexual harassment and discrimination based on an irrational fear of contracting an illness.
443. Between 1994 and 1998, an average of 35 percent of complaints lodged under the *Human Rights Act* involved complaints of discrimination on the basis of sex, pregnancy and sexual harassment (1994 — 37 percent; 1995-35 percent; 1996 — 33 percent; 1997-34 percent). This indicates a decrease of about 5 percent since 1993.
444. Between 1994 and 1998, 22 boards of inquiry were appointed with respect to discrimination against women as per the above noted categories: sex, pregnancy, sexual harassment, family and/or marital status.
445. Complaints on the basis of marital status and/or family status are made primarily by women, increasing the overall percentage of complaints in relation to discrimination against women to approximately 40 percent. In most cases, complaints are resolved through a conciliation process with settlements ranging from financial compensation,



restoration of a lost job, redesigned hiring policies and practices to anti-harassment policies and human rights awareness sessions.

446. In 1996, the Nova Scotia Women's Directorate and the Advisory Council on the Status of Women were merged. The mission of the new organization — the Nova Scotia Advisory Council on the Status of Women — remains true to the past work of both groups, which is to advance equality, fairness and dignity for all women. The mandate of the Council is to advise the minister responsible for the status of women on the concerns and priorities of women, and to formulate strategies and options to address these. Its core functions are research and policy development, information and communication services, and community liaison and rural outreach. The Council's goals are to:

- increase the participation of women in all their diversity in decisions that affect their lives, families and communities
- ensure that the legislation, policies and programs of the government promote equality for women in Nova Scotia
- reduce violence against women in communities, workplaces and families
- improve the health and well-being of women and their families
- promote women's economic equality

Since the merger, Council has seven full-time staff members in the Halifax office and four part-time field workers in other areas of the province.

447. One of the Advisory Council's goals has been to ensure that government legislation, policies and programs promote equality for women through a process for integrating gender analysis into policy-making activities. Between 1994 and 1998, gender impact analyses of minimum wage legislation, CPP reform and child support guidelines were undertaken.

448. The size of the Advisory Council doubled to 14 members in 1996-1997, with representation from all parts of Nova Scotia. The Council includes women from under-represented groups such as Acadian, Mi'kmaq, African-Nova Scotian and women with disabilities.

449. In 1996, the Department of Economic Development provided funding to assist Women's World Finance in a research project to determine the economic impact of women business owners in Atlantic Canada. The report, entitled "The Economic Impact of

Women Business Owners in Atlantic Canada,” was released in August 1997.

450. The Department of Education restructured in 1994 and realized the creation of the Mi'kmaq Services Division and the African Canadian Services Division. The position of Multi-Cultural Education Consultant has as part of its mandate a direction to work proactively and reactively to gender-related issues.
451. In December 1998, a regulation was adopted enabling the Human Rights Commission to register board of inquiry orders for monetary compensation with the Supreme Court of Nova Scotia. This allows the Commission to pursue payment of monetary awards from recalcitrant respondents through means such as wage garnishees, and execution orders against real and personal property, etc.

### **Article 3: Measures to Ensure the Advancement of Women**

452. Between 1994 and 1998, the Nova Scotia civil service underwent a series of planned reductions. The reductions were mainly devolutions of various components from the civil service. Civil servants at the Victoria General Hospital (1996-97), community colleges, and Public Health and Drug Dependency (1997-98) were some of those affected. Over this same period, however, the number of women in the civil service has remained steady and actually increased to approximately 60 percent of the total work force in 2000.

**Women in Nova Scotia's Civil Service**

<b>Year</b>	<b>Number of women</b>	<b>Percent of women</b>	<b>Total Complement</b>
1993-94	6880	60	11550
1994-95	6,597	61	10846
1995-96	6,723	62	10,890
1996-97	4,380	56	7,800
1997-98	4,080	56	7,325

**Note:** Totals are based on responses from civil servants who completed the Government of Nova Scotia Workforce Analysis Survey and chose to self-identify.

453. Women have been taking on positions of increased responsibility in Nova Scotia's civil service since 1994. For example, the number of women in management positions has increased since 1994 (see table below). As of January 2000, women make up 39 percent of Management Class Positions (MCP) pay plan total.

### **Women in Management Class Positions in Nova Scotia's Civil Service**

<b>Year</b>	<b>Number of Women vs.Total MCP</b>	<b>Women as Percent of MCP Work Force</b>
1993-94	453 of 1,472	31
1994-95	447 of 1,330	34
1995-96	474 of 1,355	35
1996-97	454 of 1,284	35
1997-98	464 of 1,251	37

454. Since 1994, women have made only marginal gains in deputy minister positions (see table below).

### **Women in Deputy Minister Positions in the Government of Nova Scotia**

<b>Year</b>	<b>Number of Women vs. Total Positions</b>
1994	2 of 12
1995	2 of 15
1996	3 of 15
1997	3 of 15
1998	4 of 16
1999	5 of 18
2000	4 of 19

455. In the judiciary, there were 8 federally-appointed women judges from a total of 33 in 1998, compared to 4 out of 34 in 1994; and 9 provincially-appointed judges from a total of 40 in 1998, compared to 6 out of 44 in 1994.
456. In 1994, the Health Minister introduced a resolution in the legislature to recognize the contribution of Registered Nurses (RNs) to the provision and delivery of quality health care in Nova Scotia. In particular, their professional skills, compassion and effectiveness in the planning and management of the health care system were commended. The resolution also expressed the respect and gratitude of Nova Scotians to those fellow citizens who bear the official title of RN.
457. Certified Nursing Assistants and their contribution to the health care system in Nova Scotia were also recognized by members of the legislature.



458. In 1995-96, the Advisory Council assisted single mothers attending university who faced cutbacks from the students aid program. The Council worked with the women to develop a lobbying strategy.
459. A new protocol for the screening of volunteers working with children and other vulnerable populations was implemented in 1997. The protocol ensures that volunteer agencies can obtain a criminal records check in appropriate cases. Volunteer organizations are required to enter into a memorandum of understanding with the police agency in their area. Police checks of volunteer applicants will determine if there is any record of criminal convictions. Job descriptions for volunteers include whether a security check is required, when the check is conducted and what information will result in refusing the services of a volunteer. The province commissioned the Volunteer Resource Centre in Halifax to conduct training workshops on the screening process.
460. In 1998, the Nova Scotia Human Rights Commission sponsored a new journalism award to recognize reporting on human rights topics and to advance human rights as a subject for reporting. Three awards were presented on December 10 — Human Rights Day — in print, broadcast and student categories. Eligible stories focus on at least one of the protected characteristics in the Nova Scotia *Human Rights Act*, and the challenges faced by people because of: race/colour; religion/creed; ethnic/national origin; association; sex (gender or pregnancy); physical or mental disability; age; source of income; aboriginal origin; sexual orientation; sexual harassment; political affiliation; marital status; family status; or irrational fear (illness or disease).
461. The Nova Scotia Department of Education and the Nova Scotia Teachers Union have reiterated a commitment to affirmative action by extending the collective agreement's Letter of Understanding — Affirmative Action Coordinating Committee. The Committee's mandate is to:
- urge school boards to review their hiring procedure to ensure that women and members of visible minorities are encouraged to seek employment in teaching
  - encourage school boards to identify women and members of visible minorities who are qualified and who wish to seek promotion
  - receive annual summary reports from each school board indicating the affirmative action initiative taken by the school board in the previous year
  - analyze reports received from school boards projecting their staff requirements over the five-year period from 1994-95 to 1999-2000, and prepare an annual

overall report for the Minister of Education and Culture, the Nova Scotia School Boards Association and the Nova Scotia Teachers Union indicating the progress that has been made in the area of affirmative action.

The Committee includes voting membership from the Department of Education (chair), the Nova Scotia Teachers Union and the Nova Scotia School Boards Association. In addition, the Committee has non-voting participation from the Nova Scotia Government Employees Union, the Canadian Union of Public Employees, the Mi'kmaq Services Division and the African Canadian Services Division.

#### **Article 4: Temporary Special Measures**

462. The Government of Nova Scotia is committed to creating a civil service that represents the diversity of citizens in all employment categories and at all levels. The Department of Human Resources administers an affirmative action policy to promote equitable participation of Aboriginal persons, Black persons and other racially visible persons, as well as persons with disabilities and women in positions where they are under-represented.
463. In 1997, Human Resources signed an agreement with the Nova Scotia Human Rights Commission reflecting its strengthened commitment to creating a diverse work force.
464. Human Resources offers a Diversity Incentive Program and a Summer Employment Mentorship Program. The Diversity Program places students in jobs from clerical and administration to scientific and professional. In past years, female students in the Mentorship Program have worked in legal research, technology, fisheries, engineering and construction. The Mentorship Program attracts many young women to summer jobs with the provincial government, and provides them with valuable work experience in their field of study, as well as with a role model. The Program hires female students pursuing careers in non-traditional fields such as engineering, fisheries, geology and construction, and pairs them with mentors in government departments. Approximately 35 students were hired full time for 15 weeks in 1998. The goal of the Program is to see its "investment" pay off, and to make many more young women a permanent part of Nova Scotia's civil service in occupations where they have been under-represented. Both programs are open to full-time students returning to university, community college, private trade schools or high school in the fall.
465. The Department of Transportation and Public Works, in partnership with the Disabled Persons Commission, established a committee in 1998 to develop an accessibility audit process with the goal of presenting a government corporate policy on access to government real property.

466. An affirmative action agreement was signed in 1998 between Bryony House, a 24-bed Halifax shelter for battered women and their children, and the Human Rights Commission. It promotes better services for battered women and human rights in the workplace. Currently, there are 29 affirmative action agreements between the Commission and public and private sector partners in Nova Scotia. Affirmative action agreements are provincial government programs aimed at addressing discrimination faced by women, visible minorities, Aboriginal people and people with disabilities. Some highlights of the agreement include:
- identification and elimination of barriers that may deny equal employment opportunities to under-represented groups
  - continued efforts to provide outreach services and programs to visible minorities, Aboriginal people and the disabled community
  - ensuring that all hiring, training, development and work assignments comply with the province's *Human Rights Act*

## Article 5: Elimination of Stereotypes

467. A provincial protocol and manual were developed for child care and child protection workers to use when faced with alleged abuse of a child attending a child care centre. These resources, which clarify the roles and responsibilities of all parties involved in the process of recognizing and reporting alleged child abuse, have been widely distributed to professionals in Nova Scotia who provide services to children and their families. A training program based on the *Child Care and Child Protection: Working Together for Children* protocol continues to be offered on a regular basis in communities around the province. It raises the level of awareness, knowledge and understanding of the procedures and responsibilities associated with child abuse and neglect allegations within the context of child care.
468. Beginning late in 1995, the work of the Human Rights Commission with respect to eliminating stereotyping became more focused. New personnel were hired in the Race Relations and Affirmative Action and Public Education divisions, bringing new ideas and vitality to the outreach of these divisions. One example was an initiative by the Race Relations and Affirmative Action Division to review and renegotiate all existing affirmative action agreements in place between the Commission and various (mostly large) employers and institutions. Both divisions increased the scope and volume of human rights training sessions offered, and work on comprehensive training manuals was begun. A third important project, the Substantive Equity Initiative, involved several



Commission staff in the development of better analytical tools and strategies for dealing with systemic discrimination in large organizations, particularly workplaces. This project is ongoing.

469. In 1996-97, the Advisory Council published *Letting in a Little Light*. This book, about the lives of lesbian women and their children, was distributed to community groups and educators across Nova Scotia. Requests for copies of the book also came from across Canada, as well as the United States, Sweden and the Netherlands.
470. The Senior Citizens Secretariat works to eliminate stereotyping of older adults by portraying active healthy aging in its publications, workshops and its annual Senior's Expo. In 1997-98, the Advisory Council cosponsored a fund-raising event with well-known feminist and author Betty Friedan. Her lecture helped raise awareness and new thinking related to issues of aging.

## **Article 6: Trafficking of Women and Prostitution**

471. In 1995, the Department of Justice sponsored a provincial consultation on prostitution. Participants agreed that prevention and early intervention are key to a successful strategy to address juvenile prostitution. It was acknowledged that youth involved in the sex trade are victims and in need of accessible medical services, substance abuse treatment, crisis counselling and ongoing support, shelter, life skills, job training and education re-entry programs. Following the consultation, a strong community-police partnership was forged to address critical issues in communities where street prostitution was seen to be most prevalent.
472. In 1998, a multi-disciplinary group initiated a prostitution education program ("John School"). The group includes police, a number of provincial government departments, and community agencies. The program's objective is to reduce recidivism by providing information regarding the negative impact of prostitution on individuals and communities. Perpetrators are charged a fee for program participation, and the revenue is used for educational opportunities and other supports to women involved in prostitution.

## **Article 7: Women in Politics and Public Life**

473. In 1997, the Advisory Council hosted the "Provincial Women's Forum — Challenge to Change." The purpose of the Forum was to consider the impact of fiscal restraints, accelerated change and smaller government on the quest by women for gender equality. Four main themes served to focus the discussions: women and the economy; women and

health; women and education; and human rights and the law. Over 150 women from across Nova Scotia discussed and debated these issues, articulated goals and obstacles, and made recommendations for change.

## **Article 8: Women as International Representatives**

474. As a representative of the International Planned Parenthood Federation, the president of the Advisory Council participated at meetings, held in New York in 1995, preparing for the Fourth United Nations World Conference on Women. The Council hosted meetings and planned a one-day workshop on the Fourth UN Conference in Beijing in association with the Beijing Women's Action Network. In 1995, 12 women from Nova Scotia travelled to Beijing to attend the NGO World Forum.
475. The Advisory Council partnered with the Canadian Congress of Black Women and the Maritime Centre of Excellence for Women's Health for a high-level interministerial delegation of South African women in 1997. The Council coordinated the Halifax leg of their study tour on violence against women.

## **Article 10: Education**

476. The Nova Scotia Community College (NSCC) is committed to the promotion of education and employment opportunities for women in the areas of trades and technologies. A fundamental component in NSCC's efforts to increase opportunities for women in male-dominated occupations lies in altering perceptions about women and trades and technologies fields.
477. NSCC is a founding partner in Techsploration, an innovative program that provides young female students the opportunity to mentor with a female role model working in a trades or technology career. The young women in the program work with mentors and teachers to research an "in-demand" career and create an interactive presentation to deliver to their peers. They also participate in workshops and gain hands-on experience in their chosen field by working with role models. Techsploration is a partnership of public and private sector industry partners.
478. In 1998-99, 46.8 percent of full-time students at the NSCC were female; the following year, this number increased to 47.8 percent. In 1999-2000, women comprised the following percentage of total full-time enrollment in trades and technologies: 32.9 percent in the natural resources programs; 26.4 percent in the geographic sciences; 12.0 percent in construction and related programs; 6.6 percent in industrial trades and technologies; and 5.7 percent in electrical and electronics programs.

479. Nova Scotia's schools remain strong supporters of "Take Our Kids to Work Day," a hands-on opportunity for students to gather information through questioning and interviewing. It stimulates youth to start developing career plans and to be aware of the preparation required for various careers. The Department of Education emphasizes that education goes beyond the classroom and that preparing youth for the future is a community responsibility.
480. The Department of Education has implemented changes in programs and services to overcome bias against female learners. Its media library provides videos that raise awareness of women's issues and the role women play in various fields. School boards have sponsored gender awareness training and participated in community/school research initiatives such as dating violence prevention and non-traditional career planning. In partnership with the Maritime Provinces Education Foundation (MPEF), the Department contributed to the production of a human rights training manual, with a section addressing women's issues.
481. The Department of Education has incorporated dating violence prevention and the promotion of healthy relationships into the curriculum as part of Personal Development and Relationships and Career and Life Management courses at the junior and senior high levels.
482. The theme of Women's History Month in 1995 was "Women and Education," which focused on women as both teachers and learners. In 1997, participants examined ways to attract more girls and women to science and technology when they celebrated "Women in Science and Technology."
483. The first \$5,000 Women in Engineering Scholarship was awarded in 1995. This is a renewable scholarship for women engineering students at the Technical University of Nova Scotia. The province established it on December 6, 1994, to honour the victims of the Montréal Massacre and to support women students pursuing a degree in engineering.
484. A Girls Exploring Trades and Technology camp was held in Nova Scotia in 1996. Over the course of five days, 40 girls took part activities that stressed the importance of math, science and technology courses to careers of the future. Participants visited work sites where they met women working in trades and technology. The Department of Education, other government departments and private sector partners, supported the program.
485. In 1997, the Human Rights Commission and the Department of Education worked with school boards and community groups to form the Coalition Against Sexual Harassment. The Advisory Council and the Department of Education were also involved and provided input into the development of a program to prevent sexual harassment in Nova Scotia's



schools. In addition, the Department has appointed a liaison position for gay/lesbian education groups.

486. International Women's Day continues to be observed in Nova Scotia. In celebration of that event and the Advisory Council's 20th anniversary, about 60 high school girls gathered in 1998 to tackle issues of economic equality, health and well-being, and violence. The conference entitled "Hopes, Dreams & Directions — Twenty Years from Now" was sponsored by the Advisory Council. The Council made a commitment to participants to seek regular input and involvement from young women.
487. Nova Scotia's first Council on Mi'kmaq Education was set up in 1998. It provides guidance to the Minister of Education on the development, implementation, evaluation and funding of educational programs and services to Mi'kmaq students in the public school and adult education systems. The Council is made up of 13 representatives appointed by the Minister, including a representative from the Nova Scotia Native Women's Association.
488. The Senior Citizens Secretariat reports that older adults can continue their education at the university level at no cost or at reduced cost. Continuing education programs are also available. A number of non-profit groups sponsor computer education courses specifically for older persons.

## Article 11: Employment

489. The Vocational Rehabilitation of Disabled Persons programs (VRDP) has been replaced by the Employability Assistance for Persons with Disabilities program (EAPD). Many of the criticisms of the VRDP program were addressed in the redesign of the EAPD. For instance, there was a concern that the VRDP program did not look at individual needs. The new EAPD program is designed to consider personal needs and circumstances of clients. A consumer monitoring process was implemented to ensure that client concerns are being addressed.
490. In 1996, the *Labour Standards Code* was amended to encompass, with some limited exceptions, domestic workers employed in private homes. Prior to this amendment, domestic workers employed in private homes by the homeowner were excluded from the legislation. The change to the legislation, gives domestic workers a number of protections including the right to equal pay, vacations/vacation pay, protection of pay, minimum wage and pregnancy and parental leave.
491. In 1997, the new *Occupational Health and Safety Act* came into force. The Act improves three basic rights: the right to know, the right to refuse unsafe work and the right to

participate in workplace health and safety issues. Information sessions on the new legislation were offered and a video and plain-language guide to the Act were developed. The government stated the ultimate goal of the legislation is reduced accidents and improved health and safety with benefits going to workers, families, business and the economy of Nova Scotia. As well, the Act requires that trade schools and community colleges teach courses in occupational health and safety (OHS).

492. In 1997-98, the Advisory Council facilitated meetings with the International Longshoreman's Association (Halifax local), Women in Trades and Technology, Human Resources Development Canada (HRDC) and the Canadian Human Rights Commission (CHRC). Meeting participants discussed employment equity processes and the need to increase the number of women employed in the longshore industry. Education programs on diversity issues are now being delivered to sector employees. In 1998, the Council and the Nova Scotia Petroleum Directorate teamed up to inform women about new career and job opportunities in the emerging offshore gas and petroleum industry.
493. In 1985, there were 324 licensed child care centres in the province. In fiscal year 1999-2000, there are 377 child care centres, including 31 child development centres and three family daycare agencies. There are presently 10,850 licensed child care spaces, including 2,450 spaces that are government subsidized. (Another 50 subsidized spaces will be allocated in the spring of 2000.) There are 181 differentially-funded spaces at licensed child care centres for children with special needs. There are 15 partially-funded early intervention programs that provide home-based programs for children up to five years of age who are at risk or who have a developmental delay.

## **Article 12 : Health**

494. A nutrition survey done in 1993 showed that women aged 18-34 and 35-49 were below the recommended nutrition intake of folic acid. The study also showed that folic acid intake among Nova Scotia women was lower than in the Nutrition Canada survey done in the early 1970s. Folic acid plays an important role in the formation of the spinal cord and brain during embryonic development. In 1994, the Department of Health officially recommended that women of childbearing age take 0.4-mg folic acid supplements daily to complement the natural "B" vitamins in other foods.
495. The government recommended in 1994 that counselling and HIV testing with informed consent become a routine component of prenatal care. It also suggested that family physicians and obstetricians become more alert to HIV risk factors as they apply to individual patients.

496. The Department of Health actively promotes and supports breastfeeding as the best form of infant feeding. In 1994, 2,500 kits were sent to community groups and organizations in Nova Scotia to initiate dialogue on breastfeeding in the community. In 1998, a Baby-Initiative Coordinator was appointed to help promote optimal development through breastfeeding.
497. In 1996-97, the Advisory Council on the Status of Women supported a proposal to develop a Maritime Centre of Excellence on Women's Health at Dalhousie University. The Council was invited to serve on the interim steering committee and to advise on community participation in the Centre. The following year, the Council was involved in several projects and committees relating to the organization and development of the newly funded centre.
498. In Nova Scotia, almost one in three women smoke during pregnancy. The risks of women having a miscarriage or stillbirth, or who give birth to pre-term babies who are small for their gestational age is well documented. "Start Quit, Stay Quit" was launched in 1996 to help women stop smoking during and after pregnancy. Workers help participants identify motivating factors to remain smoke free, and to develop skills and strategies to achieve that goal. The program is for women 16 years and older, who are between two and eight months pregnant, and have quit smoking for at least one week. The program will be evaluated and results will be used by the Department of Health to plan future smoking prevention programs for pregnant and postpartum women.
499. Regular Pap tests can prevent cancer of the cervix in over 90 percent of cases. It is the only way to detect changes in cervix cells before they become cancerous. Since only 45 percent of Nova Scotia women at risk have Pap tests, the Department of Health launched a public awareness campaign in 1997.
500. In 1997, the Reproductive Care Program (RCP) presented its report *The Potential for Midwifery in Nova Scotia: A Review by the Reproductive Care Program for Nova Scotia* to the Health Minister. The report identified the maternity care service needs of women and newborns, including in rural areas. In Nova Scotia, the RCP is the recognized authority on maternal and newborn health. The RCP has had a major role in improving standards of prenatal care since its inception in 1975. No decision has been made on the possibility of legislating midwifery in Nova Scotia.



## **Article 13: Economic and Social Life**

501. The Disabled Persons' Commission was created in 1989 to advise government on policies and programs for persons with disabilities and to make all Nova Scotians aware of these programs. In 1995, and again in 1998, the Commission produced a "Directory of Programs and Services" specifically for Nova Scotians with disabilities.
502. In conjunction with the United Nations Decade for the Disabled, a task force was set up to study the economic integration of women with disabilities in Nova Scotia. The task force report included 27 recommendations on raising public awareness about women with disabilities, education and training, employment, income support and daycare. Work continued through 1994-98 on implementation.
503. The Disabled Persons' Commission tabled a "Report and Recommendations for the Establishment and Support of Inclusive Transportation Services in Nova Scotia" in 1995. The government responded by forming a committee in support of inclusive transportation represented by the Departments of Health, Housing and Municipal Affairs, Community Services, Transportation and Public Works, Education and Culture and the Nova Scotia Utility Review Board. A steering committee became responsible for promoting inclusive transportation initiatives in Nova Scotia, including the development and support of three community-based pilot projects to demonstrate models for inclusive transportation, and to study possible roles for government.
504. In 1998, the Nova Scotia government gave its support to Justice Canada's Community Safety and Crime Prevention program. Communities are asked to develop comprehensive and sustainable approaches to crime prevention and to take action against the root causes of crime. Proposals were sought from non-profit professional and voluntary groups, community-based coalitions and groups working in support of crime prevention with Aboriginal communities. Nova Scotia's proposals saw children and youth as major targets for program outcomes. Community development projects that focus on partnerships to address crime prevention over the long term are also on Nova Scotia's priority list. Representatives of the federal, provincial and municipal governments, and crime prevention societies reviewed proposals.
505. In partnership with other federal and provincial agencies and departments, the Nova Scotia Department of Economic Development provided funding over a two-year period (fiscal years March 31, 1999 and March 31, 2000) to Women's World Finance to establish a loan fund for women business owners in Atlantic Canada. The Capital Access Loan Program was established to meet the needs of entrepreneurs in micro and small

business who do not have business skills or access to credit. Today, Women's World Finance in Sydney, Nova Scotia is the only Canadian affiliate of Women's World Banking, a not-for-profit bank that advances and promotes the full economic participation of women.

## **Article 14: Rural Women**

506. The Advisory Council's Fieldwork Program serves as a link between the Council and women in communities across Nova Scotia. Four part-time field workers help identify women's concerns, provide information and resources, and promote public education and awareness programs on a wide range of women's issues, especially in rural Nova Scotia.
507. In 1994, the Department of Health approved funding for a Continuing Care Certificate in nursing for diploma-prepared nurses. The program will enhance the knowledge, skills and practice of registered nurses in the community. This approach, which is offered through distance education, fits with the needs of Nova Scotia's reformed health care system. Nurses in practice, management, education and in the unions were consulted prior to the introduction of the program.
508. In 1994, it was estimated that 600 Nova Scotia women would be diagnosed with breast cancer. In an effort to improve the quality of life for Cape Breton women, the Department of Health purchased a new \$250,000 mobile mammography unit. (Cape Breton is a predominately rural area of Nova Scotia.) This was a part of an integrated approach to health promotion, positive environmental change and disease prevention. The unit is a van equipped with a low radiation dosage mammography unit. Up to 30 women are examined daily.
509. In 1997, the Department of Economic Development, the Advisory Council on the Status of Women, and the Regional Development Authorities (RDAs) helped fund the "Counting Women in Community Economic Development" conference. The purpose of this project was to expand and support women's involvement in community economic development by strengthening their skills, providing tools and resource materials, and facilitating networking. In late 1998, the Departments of Economic Development, Education, Community Services, Housing and Municipal Affairs, and the Advisory Council partnered with federal government agencies and departments to assist the organization Women for Economic Equality. As a result, this organization began a 24-month pilot project to increase women's participation in community economic development throughout Nova Scotia.

## Article 15: Legal Rights

510. In Nova Scotia, women and men are treated with full equality before the law. The following illustrates the range of legislation available in Nova Scotia:
- discrimination on the grounds of sex or marital status is prohibited by the *Human Rights Act*
  - under the *Labour Standards Code*, women and men are entitled to receive equal pay for substantially the same work performed in the same establishment, the performance of which requires substantially equal skill, effort and responsibility, and which is performed under similar working conditions
  - women have full legal rights to the acquisition, ownership and alienation of property by contract or will, and the right to take proceedings for the recovery of property
  - discrimination against women in the sale of goods is prohibited by the *Consumer Protection Act*
  - women and men may act as trustees and executors, whether married or not
  - a woman with a child has the right to apply for benefits under the *Family Benefits Act* and the right to maintenance from a possible father of a child or a spouse
  - persons who have cohabited for at least one year have the right to maintenance
  - persons who have cohabited for at least one year have the right to seek benefits under the *Fatal Injuries Act* in the event of the accidental death of their partner.
511. A full review of legal aid was announced in 1995. It examined the structure and practices of legal aid to identify the best way to deliver services. The Nova Scotia Legal Aid Commission launched a new service to ensure arrested or detained persons have access to legal advice 24 hours a day, seven days a week. The service is designed to satisfy the individual's right to counsel under s. 10(b) of the *Charter of Rights and Freedoms*. The service guarantees a rapid response to requests for legal counsel.
512. Guidelines for provincial judicial appointments were revised in 1995. An advisory committee now evaluates applicants on the basis of qualifications, personal characteristics, intellectual and judgmental ability, professional excellence, and community awareness and understanding. A candidate's reputation for fairness,



commitment to public service and level of professional achievement are examined. The guidelines state that the judiciary must be reasonably representative of its population. As a result, the advisory committee will address the under-representation of women and minorities when considering applications for the bench.

513. Nova Scotia's *Judicature Act* was amended in 1997 to create a Family Division of the Supreme Court. Previously, jurisdiction over family matters was divided between Family Court (provincially appointed judges) and the Supreme Court (federally appointed judges). Money saved by this move will be directed toward new and improved services and programs including post-separation parenting, family mediation services and counselling. The elimination of the two-tiered court system will help families reduce tension, litigation costs and time spent in court during an emotionally distressing time.
514. In 1997, the *Family Maintenance Act* was amended to allow for the implementation of the federal Child Support Guidelines. The Guidelines, based on average costs of raising a child in Canada, will provide a fair, objective and consistent standard in determining levels of child support. Amendments also mean that in the calculation of support payments, children of unmarried parents are treated in the same manner as children of parents who are married. As well, the provincial family court will require those paying child support to provide the same information as required under the *Divorce Act*, which became effective in 1997. By ensuring the necessary information is available to the court earlier, the process should be more efficient.

## **Article 16: Measures to Eliminate Discrimination in Matters of Marriage/Family**

515. The Victims' Services Division of the Department of Justice was established in 1989 under the *Victims' Rights and Services Act* (S.N.S. 1989, c. 14) to provide services to victims of sexual abuse, child abuse and domestic violence, with a particular focus on women. Between April 1, 1998 and March 31, 1999, the Regional Victims' Services Program provided service to 3,780 people. The majority (77.5 percent) were female clients and most were victims of spousal/intimate partner abuse. The Regional Program is delivered through four offices across the province serving both urban and rural Nova Scotians.
516. In 1992, the *Victims' Rights and Services Act* incorporated the Criminal Injuries Compensation Program. (A board had administered it previously, from 1980 to 1992.) This program helps to cover some of the costs relating to personal injuries resulting from a criminal act. Between April 1, 1998 and March 31, 1999, a total of 410 applications were received by the Program; over half (68 percent) were from female applicants.

517. The Victims' Services Division also delivers a Child Victim Witness Program designed to prepare children for the experience of appearing and testifying in court. The objective of this Program is to teach children about the criminal justice system, specifically to help them understand the process of a trial and to prepare them for their role in the proceedings. In addition, the Program provides case-related information and support to the child and parent, or support person, during the court process.
518. Under the Department of Justice's Framework for Action Against Family Violence, eight Victim Support Services Projects were established in 1996 as a community-based response to spousal/intimate partner violence. The goal of the projects was to provide enhanced services to victims of spousal/intimate partner abuse to support their participation in the justice process. The projects are co-funded and co-administered by the Department of Justice (Victims' Services Division) and the Department of Community Services.
519. The Victims' Services Division of the Department of Justice, in partnership with Bryony House (a Halifax transition house) and MTT Mobility, established the first Emergency Cellular Telephone Pilot Program in June 1998. The Program was designed to offer added protection to victims at high risk of stalking and domestic/intimate partner violence by supplying them with a free cellular telephone to facilitate access to 911 emergency services during times of extreme risk.
520. Through the Production of Records in Sexual Offences Pilot Program, established in June 1998, the Victims' Services Division provides legal representation for complainants in sexual offence proceedings in relation to applications for production of their private therapeutic (medical/psychiatric/counselling) records.
521. The Department of Health has introduced screening tools for use in hospital emergency rooms and at all entry points into the health care system to identify victims of abuse and provide improved services and supports. All health sector staff will be trained in responding effectively and appropriately to family violence.
522. The introduction of a new Family Division of the Supreme Court in 1997 consolidated jurisdiction over a number of family matters. The Justice Department will now proceed with introducing an array of support services to enhance those already available to separating and divorcing couples.
523. The Department of Community Services provides \$200 a month to eligible Family Benefits clients to offset the additional costs to single parents while participating in training. Approved transportation costs, child care expenses, special needs or a job search allowance may be covered. Recipients in transition to full-time employment are entitled

to have the gross wages earned during the first four weeks of employment exempted at 100 percent for Family Benefits purposes. The first four weeks of training allowance earned are also exempt.

524. The Family Violence Prevention Initiative (FVPI), a multi-departmental government-community partnership, was established in 1992 to coordinate efforts to respond to the problem of family violence, including violence against women. Its role includes:
- coordination of efforts to prevent and respond to the problem of family violence
  - policy development to ensure that government policy, programs, services and activities are effective, consistent and coordinated within and among departments
  - public education to increase awareness of the problem of family violence and encourage action to respond
  - professional education to increase the ability of professionals and service providers to identify and respond effectively to victims and their families
  - advocacy to emphasize the importance of primary prevention, early intervention and the promotion of healthy family relationships
  - provision of support to departments, communities, and local community-based interagency committees in their efforts to achieve their goals and objectives in preventing and responding to family violence
525. The FVPI works to change attitudes and behaviours contributing to family violence by sponsoring "Family Violence Prevention Week," an annual multi-media campaign to raise awareness about family violence. The FVPI produces many publications on family violence (distributing over 150,000 items/year), including a new 12-part fact sheet series on various aspects of the problem, brochures, a new directory of province-wide family violence services to ensure victims and professionals are aware of services available; procedures manuals/protocol guidelines to ensure a coordinated response to woman, child and elder abuse; bookmarks and other items. It operates a Resource Centre of over 2,000 audiovisual and print materials available on loan to the public free of charge and maintains a website of information available for downloading. To date, the FVPI has sponsored conferences, delivered workshops, developed curriculum and provided training to over 6,000 professionals/service providers. The FVPI has also sponsored four recent conferences on subjects such as child abuse prevention and the impact on children exposed to family violence.



526. The Initiative developed a long-term strategic plan to address family violence and member departments, including Health, Education, Housing, Justice and Community Services, have developed action plans to address family violence within their respective spheres.
527. The Family Maintenance Income Support Program assignment component (1991) is a voluntary program for clients who receive maintenance payments irregularly or not at all. They are provided with regular maintenance payments through their monthly benefits payments. In exchange, the client authorizes the Maintenance Enforcement Program to send all maintenance payments made by the non-custodial parent to the Department of Community Services.
528. The government announced a \$760,000 initiative to address family violence in 1995, when it unveiled its multi-faceted Framework for Action Against Family Violence. Components include:
- the implementation of a pro-arrest, pro-prosecution policy
  - an immediate response policy for police in cases of family violence, enforcement of peace bonds and restraining orders
  - in cases where charges are laid, perpetrators will be arrested and removed from the home
  - the courts will be asked to give priority to family violence cases and to move them swiftly through the system
  - police forces will set up family crime units
  - the enhancement of community-based victims' services (For example, eight new victim services projects were funded to provide advocacy and support to abused partners going through the justice system.)
529. This initiative enables justice workers to train front-line workers to deal with the reality of domestic violence in the community. A training program for all 2,200 of Nova Scotia's justice workers is now offered on the dynamics of abuse, laws relating to family violence, and procedures for responding to incidents. A Family Violence Program Coordinator was hired in 1996 to develop and implement this training program and to assist in the implementation of new policies related to the Framework for Action.

530. In 1999, an evaluation of the Framework was released which showed the positive impact it has had on the response of the justice system to victims of family violence. Some key findings are:
- more than 3,000 justice workers were trained
  - the charge rate has increased to 72 percent, compared to 44 percent in 1995
  - police response times have improved from nine minutes to seven
  - conviction rates now stand at 65 percent, compared to 60 percent in 1996-97
531. The Framework report noted that the justice system can respond swiftly to criminal acts, but has minimal impact on the dynamics of the abusive relationship. It recommended further review of the viability and effectiveness of innovative dispute resolution processes. It also recommended that government agencies continue to work with community partners to address the issue of family violence.
532. The *Maintenance Enforcement Act* (S.N.S 1994-95, c. 6) provides for the registration, collection and enforcement of maintenance orders under an administrative structure headed by the Director of Maintenance Enforcement. In 1996, amendments were made to the *Maintenance Enforcement Act* to clarify and improve the existing legislation. One amendment allows for quick resolution when dealing with those who fail to comply with a garnishment. The Director monitors payment of maintenance and may initiate or direct remedial actions necessary to enforce payment. In the past, garnishee orders required a court application, and court responsibilities for adjudication and enforcement overlapped. The new program separates these functions and increases enforcement effectiveness and accountability. In 1998, the program handled 13,000 cases, collecting \$31 million of \$39 million in maintenance payments due to custodial parents (usually women), for a collection rate of 79 percent. The Maintenance Enforcement Program has a staff of 22 enforcement officers. In 1998, 8,000 enforcement actions were initiated to recover monies owed to custodial parents.
533. There are nine transition houses in Nova Scotia funded by the Department of Community Services and two Mi'kmaq Family Treatment Centres funded through the federal government. They provide emergency shelter, support, referral and follow-up outreach services for women victims of spousal abuse and their children. In 1998-99, over 1,000 women received shelter services. Many more received the benefits of counselling and outreach. In 1996, the Department of Community Services, in partnership with the Department of Justice, funded eight Victim Support Projects with the purpose of

providing enhanced support to victims of spousal abuse who interact with the justice system.

534. Since 1998, the Department of Community Services has assumed responsibility for the delivery of all social assistance programs, including the former municipal social services program which assists people whose need is of a shorter term. In addition, the delivery of employment support programs was standardized across the province.
535. The Department of Community Services provides funding for six men's intervention programs which provide treatment services to male perpetrators of spousal abuse. The sixth program was added in fiscal year 1998-99.
536. In 1998, the Advisory Council revised its publication *Making Changes: A Book for Women in Abusive Relationships*. The booklet provides practical, plain language information and advice for women in abusive situations. It is a valuable resource for women who need to make life-altering changes for themselves and their children. *Making Changes* is available in print form in English or French, on audiotape and in Braille from transition houses, women's centres, family courts, police, help lines, women's groups, community groups, libraries and the Canadian National Institute for the Blind (CNIB).
537. Women's centres saw increased funding as of the 1999- 2000 fiscal year. There are six centres that provide support, advocacy, referral and information to women who require it for a wide range of issues, including housing, social assistance, violence and child care matters.
538. Over the last three years, draft standards were developed for transition houses and men's intervention programs. In addition, protocols are in place between transition houses, men's programs and children's aid societies to enhance reporting of child abuse.
539. The *Family Benefits Act* (R.S.N.S. 1989, c. 158) has as its purpose the provision of assistance to persons or families in need where the cause of need has become or is likely to be of a prolonged nature. Approximately 59 percent of the recipients are adults with disabilities that will prevent them from being employed for at least one year, and less than 1 percent are senior citizens. Single parents make up 41 percent of the recipients, parents with disabilities make up 7 percent, and less than 1 percent are foster parents. In February 2000, there were 9,918 female single parents and 279 single male recipients of Family Benefits (about 20,250 children). All recipients except foster parents must qualify on the basis of need, that is, they must have insufficient income for their basic needs, based on figures set by the Department of Community Services. Family Benefits is assistance of a last resort, and applicants must demonstrate that they are not eligible for any other form of support such as from a spouse, employment insurance, etc.



## New Brunswick

### Introduction

540. This Report is the submission for the province of New Brunswick, covering the period from April 1, 1994 to March 31, 1998.
541. The Government of New Brunswick is committed to the improvement of opportunities for women through the development of policies and strategies which advance womens' participation in society.

### Article 2: Anti-Discrimination Measures

542. On November 1, 1996, the New Brunswick *Vital Statistics Act* (S.N.B. 1979, c. V-3) was amended by substituting the gender neutral term "cleric" for the existing term "clergymen," in recognition that women have been appointed to perform marriages in New Brunswick.
543. In 1996, s. 4(5) of the New Brunswick *Change of Name Act* (R.S.N.B. 1973, c. C-2) was amended to remove the restriction that a spouse must be separated for at least one year before applying for a change of surname. Currently, it is necessary to provide the date of separation only and, if all other information supplied is satisfactory to the Registrar General, the application will be approved.
544. New Brunswick's Public Legal Education and Information Service (PLEIS) is a non-profit organization which receives financial and in-kind support from Justice Canada, the New Brunswick Law Foundation and the New Brunswick Department of Justice. The Service fosters access to the justice system by informing and educating the public about the law. It places particular priority on reaching disadvantaged groups, including women.
545. Since 1994, PLEIS has undertaken Family Violence Programming which addresses family violence issues generally and produces information products specifically to help abused women understand their rights. Among many others, one such product is an educational video entitled *Changing the Ending*. A booklet called *Spousal Assault: What do Victims Want and Need From the Police?* was developed to sensitize police to the needs of abused women.

546. Family Law Programming in PLEIS has grown as there is considerable demand for family law materials and self-help guides to family law matters which tend to be of particular relevance to women. There have already been materials produced on matters such as custody and access, as well as spousal and child support. PLEIS is also about to release a child support variation kit and a revised guide for doing your own divorce in New Brunswick.

### **Article 3: Measures to Ensure the Advancement of Women**

547. In 1993, responsibilities for women's issues were reassigned from the Women's Directorate to line departments. These departments continue to play a leadership role in the development of policies and programs specific to their mandates which support the women of the province. In 1994, coordination responsibilities were assigned to the Executive Council Office as Chair of the Interdepartmental Committee on the Status of Women. The Committee is composed of officials involved in the development of social and economic programs and policies that affect the status of women. The Honorable Marcelle Mersereau is the Minister Responsible for the Status of Women in New Brunswick.
548. The New Brunswick Advisory Council on the Status of Women is a body which exists to inform the public on issues of concern to women. It continues to advise the provincial government on issues which directly or indirectly affect women's lives.

### **Article 4: Temporary Special Measures**

549. As an employer, the Government of New Brunswick continues to actively support employment equity initiatives which work towards social, economic and political equality for women in New Brunswick's public sector.
550. As an employer, the Government of New Brunswick is committed to providing a work environment in which all individuals are treated with respect and dignity. It is the employer's responsibility to prevent and eliminate harassment in the workplace.
551. The Employment Equity Program for women has been in place in Part 1 of the New Brunswick Public Service since 1985. Part 1 of the Public Service includes line departments.

552. Departments and agencies in Part 1 of the Public Service continue to work towards the implementation of qualitative and quantitative goals, to ensure increased representation at levels where women are currently under-represented. Departments and agencies continue to implement flexible work arrangements and initiatives aimed at providing harassment-free workplaces.

## Article 5: Elimination of Stereotypes

553. Teachers and Guidance Counsellors are currently working closely with the Muriel McQueen Fergusson Foundation/University of New Brunswick Centre for Family Violence Research on two research projects: Creating Peaceful Learning Environments and Dating Violence at the Junior and Senior Levels.
554. The focus of the Education and Development Branch of the New Brunswick Human Rights Commission is to develop and produce high quality programs and products which promote equality and compliance with the *Human Rights Act*. Among other educational programs developed recently is a four-part television series entitled *Vision for Equality*. Aired across the province, the series included an episode on sexual harassment.
555. The New Brunswick Human Rights Commission has presented numerous workshops to groups throughout the province in the public, private and not-for-profit sectors on a wide variety of human rights issues including those dealing with the human rights of women. Topics included "Sexual Harassment in the Workplace", "Harassment in a Health Care Setting" and "Harassment in Schools."
556. In 1996, only candidates who were either female or from a visible minority were admitted to the Atlantic Police Academy from New Brunswick. The aim of this measure was to increase the representation of females and visible minorities in the police forces throughout the province.
557. Under the direction of the Department of the Solicitor General, the Saint John Regional Correctional Centre offers various ongoing female offender programs and workshops on topics such as parenting, self-esteem, anger management, assertiveness, self-awareness, community awareness and effective interpersonal communication.
558. Working in conjunction with the police and Crown prosecutors, staff of the Community and Correctional Services Branch of the Department of the Solicitor General assist in preparing victims and witnesses for the rigors of giving testimony in court. Particular attention is given to the needs of abused women and children.



559. The Trauma Counselling Project (funded by the Victim Services Fund) also aims to assist women and child abuse victims to participate in the criminal court process. In this project, private specialists are hired on a case-by-case basis for trauma counselling.
560. All victims of crime in New Brunswick may now make a Victim Impact Statement describing the harm and suffering they have experienced as the result of a crime. A court may consider a Victim Impact Statement when determining the sentence to be imposed on an offender. Since 1991, there have been 1,558 Victim Impact Statements submitted to court, with 80 percent of those having been made by women.
561. New Brunswick is a National Pilot Site for the project "Gathering Statistics on Woman Abuse". This project is under the direction of the Department of the Solicitor General, the Department of Justice, the RCMP "J" Division and the province's Chiefs of Police Association. It consists of gathering and analyzing statistics on child, woman and elder abuse and bringing that abuse to the attention of the criminal justice system. The program was operational at the end of 1995.
562. The New Brunswick Interdepartmental Committee on Family Violence continues to monitor, recommend and coordinate government initiatives related to all forms of family violence.

## **Article 7: Women in Politics and Public Life**

563. In 1998, 8 out of 55 members of the Legislative Assembly of New Brunswick were women (15 percent).
564. In 1998, there were four female members of the Executive Council of New Brunswick.
565. In 1994, Mrs. Margaret Norrie McCain was the first woman to be appointed as Lieutenant Governor of the province of New Brunswick. Following Mrs. McCain, a second woman, Dr. Marilyn Trenholme, was appointed in 1997.
566. In 1998, 5 out of 17 Cabinet Ministers were women (29 percent).
567. In 1998, 5 out of 21 Deputy Ministers in New Brunswick were women (24 percent).
568. Of the 711 candidates for positions as municipal councillors and mayors in the municipal elections of May 1998, 191 were women (27 percent).
569. Between 1994 and 1998, two out of five appointed provincial court judges were women, bringing the total number of female provincial court judges to three.

## Article 10: Education

570. The New Brunswick Department of Education has reviewed curriculum material to ensure that it is free of stereotypes and portrays women in a positive light. In this regard, *A Checklist for Detecting Bias and Stereotyping in Instructional Materials* was developed and is distributed to schools on an ongoing basis.
571. The New Brunswick Department of Education, in partnership with the Advisory Council on the Status of Women, has implemented several programs designed for children, including the Take Our Kids To Work Program which encourages both females and males in Grade 9 to spend a day in the workplace of their parents.
572. October is Women's History Month in New Brunswick. During this month, each school receives an information package, including several articles and a quiz on the province's famous women, which is used to educate students on the accomplishments of New Brunswick women.
573. The Professional Development and Innovation Branch of the New Brunswick Department of Education supports the Women in Educational Administration-NB (WEA-NB), an organization which supports female educators/administrators who wish to improve their administrative skills and opportunities.
574. In October 1995, the Department of Education sent a "Raising Young Voices" kit to every school district in the province and to any school who wished to have one. The kit addressed gender socialization and was designed to facilitate discussion among parents, teachers and school district administrators.
575. The Department of Education has implemented several educational programs which emphasize that career choice is for all students and that all occupations are available to both males and females. Among others, "Futures" is a program distributed to middle schools which provides gender neutral education about all occupations, and invites both females and males to examine their interests and options as they prepare for high school. "Women in Cyberspace" was a conference held in October 1997 which brought together girls from every high school in the province to learn about career opportunities in the information technology field. In addition, various information packages, posters and Internet website pages supporting non-traditional careers for women have been forwarded to school guidance councillors.
576. Women Abuse Protocols have been distributed to all personnel at the Grade 7 level and above. Schools are inviting transition house workers in their local communities to make presentations to students about the problems of dating violence.

- 577. Guidance counsellors are incorporating the issue of dating violence and sexual harassment into their curriculum. To assist in this endeavour, the Department of Education has increased the number of videos and films, etc., distributed to schools that deal with dating violence, sexual harassment and violence in schools.
- 578. The Career and Life Management component of the Foundation Years Program is a compulsory program of study for Grades 9-10 which deals with human sexuality. Health and physical education studies at the Grade 11 level include a survey of various lifestyle practices in a course compulsory for high school graduation.
- 579. Media Studies at the Grade 12 level is a prescribed elective course which includes a decoding of media violence, sex roles, stereotyping and misleading portrayals of women.
- 580. Appropriate parenting skills are developed through the curriculum in the Foundation Years Career and Life Management component at the Grade 12 level with the elective course on Family Living.
- 581. The dropout rate of female students in Grades 7-12 declined from 2.4 percent in 1994 to 2.3 percent in 1997.
- 582. The Department of Advanced Education and Labour awards 10 scholarships annually through the Women's Doctoral Scholarships. The Women's Doctoral Scholarships award up to \$5,000 to selected women for up to four years of doctoral study.
- 583. The Department of Advanced Education and Labour funds and administers a Multiculturalism Program, which aims to increase the participation of immigrant women in the economic, social and political life of the province.
- 584. The Department of Finance and the Department of Advanced Education and Labour have implemented the Summer Mentorship for Female Students program. This ongoing program provides 14 weeks of summer employment for female students, and gives them an opportunity to be mentored by civil servants in senior level positions or women working in non-traditional jobs.
- 585. The Department of Advanced Education and Labour oversees the JET Stream program (Job Experience for Tomorrow). This program provides students with summer jobs to help them finance their education and gives them valuable work experience needed to find a job after graduation. In 1994-95, there were 2,344 JET Stream participants, 1,431 of whom were women (61 percent).



586. Since its inception in 1988, the Visible Abilities Initiative (administered by the Department of Advanced Education and Labour) aims to increase the participation of persons with disabilities in the labour force. Although the ongoing program is not specific to women, approximately 55 percent of the registry are women.
587. As of March 1998, a workplace harassment policy for municipal employees was being developed by the Solicitor General's Task Force on Workplace Harassment.

## **Article 11: Employment**

588. In 1997, women over the age of 15 comprised approximately 45.1 percent of New Brunswick's labour force.
589. From 1992 to 1998, the Department of Human Resources Development administered a program entitled NB Works, in cooperation with the Department of Advanced Education and Labour and Human Resources Development Canada. This project provided people on social assistance with the opportunity to upgrade their education and skills to help them compete in the labour market. As of 1996, 852 participants were in various phases of the continuum, and 727 of these were women. Over 70 percent of these participants have not returned to the social assistance caseload.
590. Families with children who are not in subsidized housing and who pay more than 30 percent of their social assistance on rent are eligible for a monthly supplement of \$90 per month (from November to April) and \$60 per month (from May to October). As of February 1995, 6,430 families had taken advantage of this Income Security Benefit.

## **Article 12: Health**

591. The Department of Health and Community Services continues to operate Reproductive Health Clinics. The objectives of these clinics are to: decrease the incidence of unplanned pregnancy among adolescents and young single adults; promote healthy sexuality and informed decision making among young people in the province; and assist parents to feel more confident in their role as the primary sex educator of their children. During 1994-95, 12,493 visits were made to the clinics.
592. In 1995, the province of New Brunswick instituted organized services for breast cancer screening. Before that time, only one third of the province's women over 50 years of age had ever had a mammogram. The objectives of this initiative are to have 70 percent of women, aged 50-69 years, participate in breast cancer screening services and to increase accessibility of breast cancer screening services for the earliest possible detection and treatment of breast cancer.

593. The Department of Health and Community Services conducted an information campaign in the fall of 1996 entitled "Don't Kid Yourself." The aim of the campaign was to inform teens and their parents on how to reduce the risks of teen pregnancy and to promote awareness of existing services.
594. Through the Day Care Assistance Program, the Department of Human Resource Development provides financial assistance to low-income families to help them access quality daycare at an approved daycare facility. More than 1,110 children are receiving assistance for full- or part-time daycare with an estimated budget in 1996-97 of \$4.2 million.

### **Article 13: Economic and Social Life**

595. The by-law of the *New Brunswick Arts Board Act* continues to require that Juries for Artistic Merit reflect a balance of the seven artistic disciplines, as well as gender, language and region.
596. In 1994, the province adopted a sports and recreation policy which ensures equal opportunities for all persons.
597. The Department of Economic Development and Tourism has an ongoing entrepreneur program called Self-Start. One of the main target groups is women. As of February 1998, there had been a total of 1,576 approvals, with 599 being for females since the program's inception in December 1989.
598. The Department of Municipalities, Culture and Housing administers the Residential Rehabilitation Assistance Program, which assists low-income homeowners occupying substandard housing to repair, rehabilitate or improve their dwellings to acceptable levels of health and safety.
599. The Department of Advanced Education and Labour offers several programs to help people wishing to start their own businesses. The Student Venture Capital provides students with interest-free loans of up to \$3,000. In 1994-95, there were 126 participants, 30 of whom were female. The Entrepreneur Program gives unemployed individuals a chance to run their own businesses by guaranteeing a business loan with the bank. In 1994, there were 253 participants, 101 of whom were female.

600. Families in New Brunswick with a net income of \$20,000 or less receive an annual tax-free payment of \$250 for each child under age 18 living at home. Families with a net income of \$20,000 or more may receive some benefits, depending on their income and the number of children.
601. The New Brunswick Geographic Information Corporation gives an allowance to a maximum of \$200 toward the payment of property tax to homeowners whose total family income does not exceed \$20,000. Approximately 40,000 homeowners in New Brunswick will qualify for this allowance in 1998.

## **Article 14: Rural Women**

602. The Department of Agriculture and Rural Development operates Rural Riches Trading Co., which assists cottage industry producers to market their products.
603. The New Brunswick Farm Women's Association receives funding from the New Brunswick Department of Agriculture. This Association lobbies for women and families living on farms in New Brunswick. The New Brunswick Women's Institute also receives funding from the Department of Agriculture. The Institute is a provincial organization that works to promote equality for rural women.
604. The Department of Agriculture continues to sponsor a farm management program. Surveys have found that more than 60 percent of New Brunswick farm women have taken business management courses.

## **Article 15: Legal Rights**

605. The Department of Justice and the Department of the Solicitor General, in partnership with the Law Society of New Brunswick, sponsors Domestic Legal Aid. This program provides legal services for victims of spousal abuse to help them leave abusive relationships. This program also provides necessary legal services for dependent spouses to obtain adequate support and/or child support agreements and orders.
606. The Department of Health and Community Services operates 12 transition houses in New Brunswick. The purpose of a transition house is to provide safe, short-term accommodation to abused women and their children. One of the transition houses is for Native women and children and is jointly supported by the federal Department of Indian Affairs.



607. Discrimination on the basis of sex and sexual harassment continue to be the largest sources of formal complaints to the New Brunswick Human Rights Commission. Out of the 189 formal complaints filed between April 1, 1996 and March 31, 1997, 35 were of discrimination based on sex and 32 were based on sexual harassment.

## **Article 16: Women and the Family**

608. The Department of Justice and the Department of Human Resources Development continue to initiate policies designed to ensure that all persons with a legal responsibility to provide support to a spouse and/or children fulfill their obligations.

## Québec

### Preliminary Remarks

609. In 1997, Canada submitted its *Core Document Forming Part of the Report of States Parties* to the United Nations. This document includes information on the country's general political structure and legal human rights protection framework. In the context of this report and to add to its usefulness, additional details are provided on justice and immigration.
610. Justice in Canada is a shared jurisdiction. The provinces have full jurisdiction over property and civil law. However, Québec law differs substantially from that in other provinces; while Québec civil law is governed primarily by the provisions of the *Civil Code*, the other Canadian provinces rely on British common law.
611. With regard to criminal law, the Canadian Parliament has exclusive jurisdiction over the establishment of offences and penalties. Québec is responsible for enforcing the *Criminal Code* within its boundaries, and is also empowered to institute provincial penal offences.
612. In addition, Québec has exclusive jurisdiction over the administration of justice, which includes the creation, maintenance and organization of civil and criminal courts, as well as the establishment of applicable civil procedure. Jurisdiction over criminal procedure is vested in the federal Parliament.
613. Immigration is also a shared jurisdiction. However, over the years and more particularly since 1971, Québec has acquired additional powers through the conclusion of agreements on the selection of immigrants wishing to settle in Québec. Categories for which Québec is responsible include refugees selected abroad, other persons in distress and independent applicants. Québec still cooperates with the federal government on family reunification and refugee status recognition, but is solely responsible for settling immigrants within the province.

### Introduction

614. In accordance with Article 18 of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), the Government of Québec hereby submits its contribution to the Fifth Report, which deals with the measures adopted between April 1, 1994, and March 31, 1998, and discusses progress made.

615. The Committee is asked to note that the articles mentioned below (the “Québec Context”) refer to information contained in the section on Québec’s contribution to *Canada’s Fifth Report on the Convention on the Elimination of All Forms of Discrimination Against Women*.
616. The Québec Context — The period in question coincides with the election of a new government, which decided to pursue the province’s 1993 policy on the status of women *La politique en matière de condition féminine. Un avenir à partager* (reference: *Canada’s Fourth Report*, paragraphs 343-346). To the policy’s four strategies (financial independence for women, respect for women’s physical and psychological integrity, elimination of violence against women, recognition and appreciation of the collective contribution of women), the government, on April 29, 1997, added a fifth — the role of women in regional development.
617. This new strategy advocates that women in Québec be both active partners in and beneficiaries of changes brought about by the current regionalization process. This process is aimed at making political power more accessible to Québec residents. Since an increasing number of responsibilities will be assumed by local and regional authorities, it is paramount that women be represented in equal numbers on these bodies, and that their situation and interests be taken into account.
618. As the time line for the policy is 10 years, three implementation phases were planned. In 1997, as Phase II, the government adopted the 1997-2000 Action Plan for Women Throughout Québec [Program d’action 1997-2000 pour toutes les Québécoises], an adaptation of the Beijing Platform for Action to the realities, values and priorities of Québec society and the special concerns of the province’s women. The program is the result of extensive deliberation and consensus-building conducted with 35 departments, government and paragonovernmental organizations, and partners from civil society, primarily women’s NGOs and female university researchers. It is a fulcrum, an anchor, and a support structure that incorporates the goal of gender equality into the government’s daily, ongoing activities, mainly in the area of reducing socioeconomic disparities. The program provides a framework for action by Québec on the status of women until the turn of the century, and comprises three mobilization projects, 43 sector-based measures and 15 local and regional measures.
619. The three mobilization projects that constitute the pillars of the Action Plan are so called because they address important, urgent problems for women and involve the concerted action of several departments and agencies. These projects are as follows:
- a project geared toward institutional and political action — “Introducing



Gender-based Analysis in Government Practices" (Article 3)

- a project dealing with an urgent social problem — "Preventing Early Pregnancies and Providing Support for Teenage Mothers" (Articles 10(f) and 12(1))
- a project that focuses on the future of women in the economic sphere — "Supporting Progress by Québec Women in the Sciences and Technological Innovation" (Articles 10(a) and 11(1)(c))

620. The 43 sector-based measures, involving 22 government departments and agencies, are centred around eight themes that combine the 12 key fields from the Beijing Platform for Action:

- employment and entrepreneurship (Articles 11 and 14)
- poverty and social injustice (Articles 11 and 13)
- power sharing (Article 7)
- education and training (Articles 5 and 10)
- health and wellness (Article 12)
- violence (Article 1)
- international cooperation (Article 8)
- recognition of and respect for women's rights (Articles 1, 15 and 16)

621. The 15 local and regional measures have been implemented to support both axes of the fifth strategy, which is aimed at providing a role for women in regional development — i.e., the equitable representation of women in local and regional government and the consideration of the interests and situation of women by those authorities (Article 7).

622. Over the period in question, two major events also influenced action taken on the living conditions of Québec women: the "Bread and Roses" march organized in June 1995 by the Québec Federation of Women, which focused public attention on female poverty and gave rise to certain social economy infrastructures (Article 11); and the Summit Conference on the Economy and Employment held in the fall of 1996, which resulted in the establishment of the Anti-Poverty Fund [Fonds de lutte contre la pauvreté par la réinsertion au travail] (Article 11) as a complement to the Independent Community Action Fund [Fonds à l'action communautaire autonome] created in 1995 (Article 1).

623. Three main policies reaffirmed the government's intention to improve the living conditions of Québec women in three key areas: violence (Article 1), the family (Article 11(2)), and health (Article 12).

624. 1998 marked the 25<sup>th</sup> anniversary of the Council on the Status of Women, which for a quarter century has guided and accompanied the efforts of Québec women toward equality, greater rights, and better social, economic, political and cultural conditions.
625. To complete the information in this report, Québec has submitted the documents listed in Appendix 1.
626. In the area of legislative action between 1994 and 1998, Québec passed or amended more than 60 acts affecting the rights and living conditions of women. The seven main pieces of legislation are: the *Act to Facilitate the Payment of Support* (S.Q. 1995, c.18, s. 13); the *Pay Equity Act* (S.Q. 1996, c. 43, s. 11); *An Act to Amend the Civil Code of Québec and the Code of Civil Procedure as Regards the Determination of Child Support Payments* (S.Q. 1996, c. 68, s. 13); the *Act to Amend the Act Respecting Labour Standards as Regards Annual and Parental Leave* (S.Q. 1997, c. 10, s. 11(2)); the *Act to Institute, Under the Code of Civil Procedure, Pre-Hearing Mediation in Family Law Cases and to Amend Other Provisions of the Code* (S.Q. 1997, c. 42, s. 5(b)); the *Act to Amend the Taxation Act and Other Legislative Provisions of a Fiscal Nature* (S.Q. 1998, c. 16), which provides in particular that child support payments are tax exempt (s. 13); and the *Act to Extend the Effect of Certain Provisions of the Act Respecting the Practice of Midwifery Within the Framework of Pilot Projects* (S.Q. 1998, c. 26, s. 12(2)).

## Article 1

627. Several measures taken to implement Article 1 of the *Convention on the Elimination of All Forms of Discrimination against Women* have been mentioned in previous reports. Section 10 of Québec's *Charter of Human Rights and Freedoms* meets the requirements of the Convention by making it illegal to discriminate based on factors such as sex, pregnancy, sexual orientation or marital status.
628. In Québec, as elsewhere in Canada, conjugal violence is a criminal offence. In December 1995, the government announced a multi-sector policy on this issue, entitled "Prevent, Detect and Stop Spousal Violence," as well as a cross-sector action plan containing 57 commitments.
629. In developing this policy, which focuses not only on women but also on children because of how the latter are affected by violence, Québec drew heavily from the *Declaration on the Elimination of Violence Against Women*, adopted December 1, 1993 by the United Nations General Assembly.
630. In its definition of conjugal violence, the policy includes psychological, verbal, physical and sexual abuse, as well as attempts at economic domination. Violence does not result

from a loss of control; rather, it is a means chosen to dominate another person and assert power over that person. It can be experienced inside or outside of marriage, at any time of life.

631. The policy, which was developed in partnership with the government, paragonovernmental organizations, the community, universities, special interest groups and experts, is based on the need to decompartmentalize and consolidate government action in the area of conjugal violence and make it more effective, as well as to bring about a common understanding of the problem.
632. "Prevent, Detect and Stop Spousal Violence" focuses on four areas of intervention: prevention, detection, specially targeted services, and coordinated psychosocial, legal and correctional measures. The policy is based on the need for society as a whole to become involved in the effort to eliminate conjugal violence.
633. The first area, prevention, is based on the promotion of gender equality among both children and adults; the school system is thus called on to play a major role.
634. The second area, detection, is aimed at providing all establishments and agencies concerned with the means to systematically detect conjugal violence, despite the reservations generally expressed by victims.
635. The third area, specially targeted services, emphasizes services that are adapted to meet the needs of particular target groups, such as women who live in remote areas, disabled women, elderly women, Aboriginal women, female immigrants, and lesbians, as well as gays and men who have been abused by their spouses.
636. The fourth and last area proposes more effective and efficient psychosocial, legal and correctional measures.
637. The 57-commitment action plan has already been implemented. One of the main measures involves local and regional coordination and joint action. Since 1995, more than 800 people from the fields of education, health and social services, justice, public safety and the community sector have participated in the work of various regional and subregional consultation committees.
638. The policy has also resulted in the conclusion of a number of detection, referral and intervention protocols between local and regional conjugal violence resources. In the police, judicial and correctional sector, measures aimed at improving victim protection have been adopted. Now, for example, when police officers are called to a scene involving domestic violence, they systematically seize all firearms. Private areas have



been reserved for victims of conjugal violence at all courthouses in Québec and, where justified by volume, a single courtroom has been reserved for cases of spousal violence. Files are given to specialized prosecutors who follow through on cases from start to finish, and victims are informed if their attackers have been released, are on a day pass, or are out on parole.

639. Work on a prevention and awareness campaign on violence against women began in 1997, and involves government and community partners. The campaign emphasizes the promotion of gender equality among children and provides information on less well-known forms of violence, such as psychological abuse. The first phase of the campaign was launched in December 1998.

## Statistics

640. According to the last available police statistics for Québec, dating back to 1997, 11,559 women have called on the police to report a problem of conjugal violence. Young women are more likely to be the targets of violence. Very young women (18-24 years) seem particularly vulnerable to male violence. The most common charges are assault (7,877), threats (2,143) and criminal harassment (1,057). According to the last major survey on violence toward women conducted by Statistics Canada in 1993, 25 percent of Québec women 18 years of age and over, who were married or living common law have been subjected to conjugal violence, as compared with 29 percent of women nation-wide.

## Support Services

641. The services available to female victims of conjugal violence were described in Appendix 1 of Québec's contribution to Canada's Fourth Report (pp. 80-82).
642. In 1998, the 27 establishments belonging to the Fédération des ressources d'hébergement pour femmes violentées et en difficulté du Québec provided shelter to 2,984 women and 2,423 children. The average length of stay was 20 days. Telephone consultation was provided to 10,761 shelter residents, 12,556 non-residents, and 10,970 former residents. A total of 6,890 referrals and 88,762 other services were also provided by telephone. As for on-site services, 40,368 interventions and interviews were carried out with shelter residents, 4,417 with non-residents, 3,956 with former residents, 8,718 with child residents, 663 with child non-residents, and 221 with former child residents.
643. Establishments belonging to the Regroupement provincial des maisons d'hébergement et de transition pour femmes victimes de violence conjugale, for their part, provided shelter for 3,633 women and 3,233 children in 1997-98. They also responded, by telephone or on site, to 55,524 requests for assistance from non-residents.

## Financial Resources

644. As part of the Community Organization Support Program [*Soutien aux organismes communautaires*], regional health and social services boards allocated some \$21.3 million in 1995 to 98 women's shelters and the two provincial shelter associations. In 1998, the amount was \$23.3 million. Over and above this sum, \$2.2 million was granted in 1997-98 to agencies working with violent spouses — double the figure injected in 1995. While three such resources were subsidized by the Department of Health and Social Services in 1985, thirty-one received funding in 1998.
645. Until 1995, the 10 years of dependence imposed by the *Act Respecting Immigration to Québec* (R.S.Q. 1994, c. I-O.2) made female immigrants extremely vulnerable to all forms of violence. In the fall of 1995, however, Québec amended the *Regulation Respecting the Selection of Foreign Nationals* to reduce the spouse's sponsorship from ten to three years, thus reducing that dependence.
646. In cooperation with community partners, the Department of Citizen Relations and Immigration (MRCI) has provided training on conjugal violence to staff from immigrant orientation and training centres, front-line workers, and socioeconomic assistance officers.
647. It is impossible to provide statistics on this specific group, because police statements, in accordance with Québec's non-discriminatory practices, do not take into account factors related to race or ethnic origin when reporting offences involving violence.
648. A multi-sector task force established in 1994 submitted its report entitled *Les agressions sexuelles : STOP* [Sexual Assault: STOP] in June 1995.
649. To follow up on the report, the government set up an interdepartmental action plan, the principal measures of which target the adoption of public strategy on sexual assault, the establishment of specialized police teams where necessary, as well as teams of Attorney General's prosecutors who specialize in sexual assault cases, and the improvement of victim services.
650. To assist it in its endeavours, the government struck an advisory committee made up of representatives from the various communities concerned with the problem. The committee's policy paper focused on the promotion of gender equality among young people, prevention of sexual assault, detection, and psychosocial, legal and correctional measures.

651. While the policy paper was being developed, work was conducted to meet specific needs: the medico-legal kit used by physicians during examinations of sexual assault victims was updated; a protocol for victims was established for health care institutions; and a medico-legal guide for medical staff was prepared.
652. Two reviews of the literature were made to shed light on the phenomenon of teenage sex offenders and to better identify the impact of psychosocial and legal intervention on child sexual assault victims. A pilot project to improve the uniformity of data collected on conjugal violence and sexual assault is also being conducted.

### **Support Services**

653. The main support services for female sexual assault victims are offered by sexual assault centres (CALACSs). In 1998, 22 such centres existed in Québec, 17 of which belonged to the Regroupement québécois des CALACS.
654. These centres provide support for women and teenage girls who have been sexually assaulted: in 1995-96, for example, they helped more than 2,586 women. Their work consists in informing victims of the recourse available to them, helping them deal with the after-effects of a recent or past assault (individual follow-up, support groups) and the fact they have been assaulted, helping them regain control over their lives, and providing moral support during the legal process.
655. Another important aspect of the mission of these centres is prevention and public awareness. CALACSs are working to change the conditions that encourage sexual assault. On average, they reach some 9,000 people annually via their awareness and prevention activities.
656. Other resources also offer support and services to sexual assault victims, including: hospital emergency rooms, local community service centres (CLSCs), private consultation services, crime victims' assistance centres and the crime victims' compensation service.

### **Financial Resources**

657. In 1998, CALACSs received approximately \$2.7 million in grants through the Community Organization Support Program, which is administered by the regional health and social services boards.



## Statistics

658. According to data gathered by the Canadian Centre for Justice Statistics, in 1997, Québec posted the lowest rate of sex crimes in all of Canada. The Québec rate was 58 offences per 100,000 inhabitants; the Ontario rate, the only other coming in at below 100, was 89 per 100,000 inhabitants. The figure for Saskatchewan was 183, and that for the Northwest Territories, 947.
659. In 1995 in Québec, 2,833 sexual assaults against women were reported to the police. According to Statistics Canada, only 14 percent of women report an assault.
660. In the area of collective advocacy, the Independent Community Action Office [*Secrétariat à l'action communautaire autonome*] was created in 1995 to administer the Independent Community Action Fund [*Soutien à la défense collective des droits*], which receives 5 percent of all public casino receipts. The Office's annual budget rose from \$9 million in 1995 to \$11 million in 1997.
661. The Office has changed its programs in order to allocate part of its budget to rights advocacy and promotion agencies. In 1996-97, almost one quarter of the budget for the Collective Advocacy Program was split among 17 regional women's group coordination committees throughout the province.

## Article 2(b)

662. Over the period in question, 687 of the 3,529 files opened by the *Commission des droits de la personne et de la jeunesse du Québec*, Québec's Human and Youth Rights Commission, dealt exclusively with complaints of discrimination or harassment against women based on sex or pregnancy. As for complaints of discrimination and harassment based on sex, pregnancy or marital status (especially in the employment sector) that reached the courts, the situation is as follows for the period discussed by the report: 33 are awaiting judgment, 4 have resulted in a decision, and 13 were settled out of court.

## Article 2(c): Protection of Women's Legal Rights

663. Since January 1990, Québec's Human Rights Tribunal has been empowered to determine the merits of complaints of discrimination or exploitation. Given that most decisions rendered by this body concern the employment sector, some of those rendered during the period in question will be discussed under Article 11(2)(a).

## Article 2(e) and (f)

664. Like many other Western societies, Québec society is now multicultural. This new ethnic diversity has led to a series of disagreements and competing claims that constitute a challenge for any society seeking to call itself a democracy. With respect to women's rights, multiculturalism can have its own complications. A controversy surrounding the Muslim headdress (or "hijab") in schools led the Québec Human Rights Commission to conclude, in a study paper entitled *Le pluralisme religieux au Québec : un défi d'éthique sociale* [*Religious Pluralism in Québec : A Social and Ethical Challenge*], that prohibiting the veil in public institutions was incompatible with the *Charter of Human Rights and Freedoms*, and also that a private religious school could not require teachers of another religion to wear clothing associated with the institution's official religion. As a result, the private school in question made the hijab optional for its non-Muslim staff. In order to shed light on the issue, the Department of Education published a guide on religious diversity, and the Council on the Status of Women issued a document entitled *Diversité culturelle et religieuse; les enjeux pour les femmes* [*Cultural and Religious Diversity: A Study of the Stakes for Women*], as well as a notice on women and diversity, *Droits des femmes et diversité*. Both publications were widely distributed in 1997.
665. In Québec, the value placed on gender equality is enshrined in legislation that applies to all and cannot be overridden, even in the name of cultural and religious differences. In 1979, in its *Convention on the Elimination of All Forms of Discrimination against Women*, the United Nations recognized that culture and religion are often invoked to restrict the rights of women.
666. The women's movement has been divided on this question — for some, wearing the hijab represents a manifestation of female servitude, while for others its prohibition involves the risk of marginalizing the young women who wear it, thus jeopardizing their integration into society and even their access to education.

## Article 3: Measures to Ensure the Advancement of Women

667. In May 1997, the Government of Québec adopted the 1997-2000 Action Plan for Women Throughout Québec, in which it followed up on commitments made during the UN Fourth World Conference on Women (Beijing, 1995), in particular by means of a mobilization project involving gender-based analysis (GBA) in government practices. The measure is intended to produce a simple, effective tool that can eventually be applied to any government action liable to have a different effect on women and men.

668. As defined in Québec, GBA “is a process that is intended to discern, at the creation and development stage, the particular effects of a policy, program or other measure on women and men affected by its adoption, taking into account their different socioeconomic and cultural circumstances.”
669. Work conducted since September 1997 has shown that there is no universal method of gender-based analysis. Each country and government must develop its own approach, taking into account the specific characteristics of its social, political, economic and legal organization, as well as its culture and values. GBA is a framework that can be used to shed light on any differential consequences based on gender that a given measure will have. The use of the method involves an examination of factors that lead to discrepancies between the economic, social and cultural situation of women and men, as well as the availability of data broken down according to sex.
670. GBA was implemented by the Québec government in 1997-98, after the following steps had been conducted:
- a review of the literature, in particular documents issued by the Commonwealth Secretariat and the Council of Europe; and a study of trials being carried out by the federal and provincial governments (Saskatchewan, British Columbia, New Brunswick, Newfoundland), and the governments of New Zealand and of the Scandinavian countries
  - a study of departmental and governmental mechanisms applying to the development and adoption of acts, policies, programs and other measures
  - an inventory of data broken down by sex provided by the Institut de la statistique du Québec, Québec’s statistical institute, and other departments and agencies
  - the organization of advisory meetings with individuals from NGOs and the university research community
671. This initial phase demonstrated the vital importance of support from the highest level of government. Accordingly, Québec obtained the backing of its premier and the entire government for the project, and made the Treasury Board Secretariat and Executive Council Office jointly responsible for its implementation.
672. Thanks to the financial participation of the public, private and institutional sectors, the women’s movement in Québec was able to purchase a building (called the “La Maison Parent-Roback” in honour of two union and social action pioneers) to house 10 national and regional women’s federations (representing 1,200 groups across the province), a



feminist publishing house, and a documentation centre specializing in women's issues and popular education. The province has allocated \$107,000 to support this project.

## Article 4: Temporary Special Measures

673. With regard to access to employment opportunities, the program on equal employment opportunities for women in the public service (1992-1997) has been extended pending a report from the Treasury Board. The percentage of women in all job categories has grown, even though the total number of government employees has shrunk considerably — representing 44.2 percent of regular employees in April 1994, women accounted for 48.4 percent in March 1998.

### Percentage of Women in Québec's Public Service, by Job Category

Job Category	April 1, 1994 (%)	March 31, 1998 (%)
Professional staff	16.7	20.4
Training staff	29.7	32.8
Technical staff	38.7	40.7
Office staff	42.4	48.4
Peace officers	11.7	14.5
Labourers	2.0	2.4

Source: Treasury Board, *L'effectif de la fonction publique du Québec*, 1998.

674. Proportionately, representation of women in the supervisory category rose from 14.1 percent in 1994 to 17.5 percent in 1998 at the upper management level, and from 16.7 percent to 20.4 percent at the middle management level. Despite this progress, however, the figures failed to meet program objectives.
675. In the area of employment equity in the construction industry, in implementing a remedial plan developed by Québec's Construction Commission, the government adopted major regulatory provisions to promote women's access to the construction industry, and maintain and increase their numbers in this sector.
676. Since November 1997, the *Regulation Respecting Placement of Employees in the Construction Industry* has ensured that available, qualified women are referred to employers in a given region on a priority basis. The *Regulation Respecting the Issuance of Competency Certificates* has also been amended. Now, an apprentice competence certificate can be issued to a woman upon confirmation that an employer is prepared to

hire her, without the need for a guaranteed number of hours worked; this provision also facilitates renewal of both the apprenticeship certificate and the occupation competence certificate.

677. These changes have had a marked impact on women's access to the construction industry, but the maintenance and increase of their numbers are not yet significant. Individuals in charge of implementation feel the program should remain in place for 10 years; realistically speaking, therefore, the objective of incorporating and keeping 2,000 women in the industry could be realized by the year 2005.
678. Contract obligation is a measure that requires companies with 100 or more employees that obtain government contracts or grants of \$100,000 or more to establish an equal employment opportunities program for women, visible minorities and Aboriginals.
679. Of the 154 firms subject to the Contract Obligation Program at December 31, 1997, 92 had submitted an initial report by December 1998, enabling the Human and Youth Rights Commission to establish a basis for analysis. Although these years were characterized by a considerable shrinkage in the labour market (a 7.5 percent reduction in staff of the companies concerned and a 4.9 percent cut in jobs from categories targeted by the Program), female personnel rose 3.4 percent. There was a considerable increase in women in management and professional positions (varying from 1 percent to 13 percent, depending on the sector involved) and supervisory posts (from 2 percent to 18 percent).

## Article 5(a)

680. Québec's Department of Citizen Relations and Immigration (MRCI) has helped promote the province's values on gender equality through host, socioeconomic integration and "francization" programs, the latter being aimed primarily at female immigrants.
681. Annual awards by the Minister of Education (Responsible for Youth) are intended to recognize the work of those who have developed high quality instructional material. The competition has been held at the college level for 20 years, and was launched at the university level in 1997. One of the categories highlights the promotion of gender equality and comes with a prize of \$3,000 for each recipient.

## Article 5(b)

682. The 1997 *Act to Institute, Under the Code of Civil Procedure, Pre-Hearing Mediation in Family Law Cases* (S.Q. 1997, c. 42) provided for the establishment of a family mediation program beginning in September 1997. Family mediation is defined as a means of conflict resolution in a context of family breakdown by which an impartial mediator

helps the spouses negotiate an equitable agreement that is concluded with the free, informed consent of both parties. The main goal of mediation is to arrive at a viable agreement, outside the legal sphere, that meets the needs of each family member. If there is a dispute, therefore, couples with children participate in an information session on mediation before being heard by the court. The parties may then decide to continue the mediation process. Couples are entitled to a maximum of six *free* mediation sessions to reach an agreement on custody, visiting and outing rights, support payments and division of family assets.

683. Exceptions to the process may be made if one of the spouses is under duress, or on other serious grounds such as conjugal violence.
684. In matters of family law, Québec recognizes the joint responsibility of parents toward their children in all cases, which means that the equal interests and obligations of both mother and father are taken into account in settling disputes.

## **Article 7: Women in Politics and Public Life**

685. At the municipal level, the number of women in elected positions continues to grow slowly. The percentage of women mayors rose from 8.9 percent to 9.4 percent between 1994 and 1997, while that of female municipal councillors increased from 19.5 percent to 21.7 percent (see Appendix 2).
686. On the provincial political scene, 18.4 percent of Members of the National Assembly in 1994 were women; this figure rose to 20.0 percent in 1997. For the same years, the percentage of female government ministers rose from 19.0 percent to 22.7 percent (see Appendix 2).
687. In the school system, after the elections of November 20, 1994, 53 percent of women chaired school boards and 46.4 percent were board members, making for gender parity in these positions.
688. With the movement towards regionalization, new local and regional structures have gradually sprung up during the 1990s. On regional development councils, women represented 15.2 percent of board members in 1994, whereas in 1997 the figure was 18.0 percent. Women on regional health and social services boards accounted for 33.8 percent of board members in 1994; in 1997 the rate stood at 36.9 percent (see Appendix 2). In 1997, women represented 41.1 percent of board members in establishments responsible for delivering health care and social services at the local level.



689. In the public service, representation of women in executive positions rose significantly between April 1994 (21.8 percent) and March 1998 (28.5 percent). In particular, there was an increase in the number of female deputy ministers (from 14.3 percent to 27.6 percent), as well as assistant and associate deputy ministers (from 12 percent to 25.7 percent). Overall, women now represent one quarter of all executive positions, and are on the way to accounting for one third, thanks to the government's firm determination in this regard (see Appendix 3).
690. There have also been gains with regard to the presence of women on the bench. In total, the proportion of female judges was 11.8 percent in 1994, while in 1997, the figure stood at 16.1 percent. In the municipal courts the ratio rose from 6 percent to 11 percent; in the Court of Québec, from 12 percent to 18 percent, and in the Superior Court, from around 12 percent to 18 percent. The proportion of women judges in the Court of Appeal has held steady at 25 percent (see Appendix 4).

## Article 8: Women as International Representatives

691. Québec participated in all steps of the Fourth World Conference on Women (Beijing, China, September 1995). The province's contribution took the following shape:
- participation in preliminary meetings held by the Francophonie (Nouakchott, Mauritania, July 1994, and Dakar, Senegal, November 1994), organized under the aegis of the Agence de coopération culturelle et technique
  - participation, as part of the Canadian delegation, in the European/North American Regional Preparatory Meeting (Vienna, Austria, October 1994)
  - drafting of a report entitled *Stratégies du Québec pour les femmes — Bilan, constats et perspectives 1985-2000* [Québec's Strategies for Women — Overview, Findings and Prospects 1985-2000] and submission of this report to the UN by Canada and distribution to government delegations at the Beijing Conference, as well as to UN agencies
  - presence, within the Canadian delegation, of a six-member Québec mission headed by the Minister Responsible for the Status of Women, at the Beijing Conference;
  - publication and distribution in three languages (French, English and Spanish) of Québec's priorities and strategies for the occasion

692. Between 1994 and 1998, the Secrétariat à la condition féminine [Secretariat on the Status of Women] participated in other international events dealing with various related themes:
- the UNESCO International Symposium entitled "Women and the Media: Access to Expression and Decision-Making" (Toronto, Canada, April 1994)
  - the OECD Conference on Women Entrepreneurs in SMEs: A Major Force in Innovation and Job Creation (Paris, France, April 1997);
  - the Fourth European Ministerial Conference on Equality Between Women and Men (Istanbul, Turkey, November 1997).
693. Québec's participation at the Beijing Conference highlighted the benefits of discussions with other governments with innovative or complementary strategies on women's issues, or with administrations that hope to take advantage of our knowledge in this area. The experience also emphasized the need for closer monitoring of international trends and an evaluation of their repercussions on our own policies.
694. Accordingly, between 1996 and 1998, Québec sent task forces to Morocco, France and Tunisia, and signed an agreement with the latter for a five-year (1998-2002) cooperative program on women's rights and living conditions.
695. From April 1994 to March 1998, the Office of the Status of Women hosted 23 delegations from as many different countries — in particular Thailand, Japan, Belgium, Russia, Haiti, Benin, Rwanda, Tunisia and Morocco, all of which were interested in discussing women's issues.
696. The Department of International Relations, which is involved in the 1997-2000 Action program, has undertaken to:
- promote the province's expertise on women's issues at the international level
  - enhance the involvement of Québec women in the institutions of other countries and multilateral international bodies
  - monitor changes in international trends that could influence Québec policies on women's issues

## **Article 10: Education**

697. In the fields of education and training, the number of women with degrees in Québec continued to rise between 1994 and 1998 at all levels; in fact, women even constituted the majority of students at the college and undergraduate and graduate university levels.

### **Article 10(a): Access to Studies**

698. However, the breakdown by sex varies greatly according to field of study. There is an over-representation in traditional areas such as the social sciences, health, education and the arts, and an under-representation in the applied sciences, especially engineering, computer sciences, physics and data processing (see Appendices 5 and 6).
699. In order to ensure that women are on the cutting edge of major economic trends, have access to well-paid jobs with a future, and participate fully in the knowledge-based economy, the government has undertaken a project aimed at supporting and sustaining the progress made by Québec women in science and technology. This is one of the three mobilization projects that form part of the 1997-2000 Action Plan for Women Throughout Québec.
700. To carry out this project, an interdepartmental committee was struck in the spring of 1997. The committee is composed of departments and agencies that, by reason of their mission, are more directly involved with the problem and the approaches envisaged. The committee is to submit a government action plan designed to improve the situation.
701. With regard to non-traditional occupations, the Department of Education has implemented various measures to enhance the career choices open to girls and women. In 1995, in cooperation with the business community and other sponsoring departments, the Department restored the "Chapeau, les filles!" competition, in which scholarships from \$500 to \$1,000 are awarded to regional winners who then become eligible for a number of provincial awards, such as paid internships and training periods abroad. Winners' names are announced at a public ceremony, which helps eliminate resistance to careers in non-traditional trades and occupations.

### **Article 10(e): The Same Opportunities for Adult and Functional Literacy Programs**

702. Thanks to a financial contribution of \$300,000 (spread out over two years) from Québec's Department of Culture and Communications through the Information Highway Fund, the NetFemmes project was implemented in 1997-1998. The project goals included creating a



website that is both a resource centre and a meeting place, and training women to use new information and communications technologies. NetFemmes is spearheaded by the Centre de documentation sur l'éducation des adultes et la condition féminine, in partnership with seven provincial women's groups numbering several thousand members, and the Regroupement québécois des chercheuses féministes, an organization of more than 100 female researchers from the university, community and government sectors.

## Article 10(g)

703. In 1998, the Department of Municipal Affairs published a study paper entitled *Les jeunes et l'activité physique, Situation préoccupante ou alarmante?* [*Young People and Physical Activity: Cause for Concern or Alarm?*] for physical education teachers and sports instructors working with young people. The document pays particular attention to the situation of girls.
704. Upon entering high school in Québec, only 46 percent of girls regularly engage in physical activity, as compared with a figure of 68 percent for boys. On average, teenage girls aged 12-17 spend barely four hours a week in physical activity, as compared to nine hours for boys the same age.
705. The study paper gave rise to a major two-year (1998-2000) awareness campaign aimed at countering inactivity and obesity in young women. Kino-Québec, an agency of the Department of Municipal Affairs, will work with the Fédération des éducateurs et éducatrices physiques enseignants du Québec and the Québec Student Sport Federation in this endeavour.

## Article 11: Employment

706. In Québec's labour market, women are growing as an economic force, not only as qualified workers but as entrepreneurs. Since 1992, the participation rate of women has remained relatively constant at 54 percent.
707. From 1994 to 1997, the unemployment figure for women dropped slightly from 11.3 percent to 10.8 percent, continuing to come in at below that for men, which stood at 11.9 percent. However, the length of unemployment rose. For women, the average unemployment period went from 24.8 weeks to 27.8 weeks, although this number still remained below the average figure for men, which was 34.5 weeks in 1997.
708. Women still work in a restricted number of sectors. In 1996, almost 25 percent of the female labour force was concentrated in only five occupations — secretary, sales clerk, cashier, accounting clerk and nurse. This concentration is much less noticeable among

men (12 percent). Furthermore, the five main jobs occupied by women are generally less well paid than those dominated by men.

709. At the same time, between 1994 and 1997, there was a growth in the number of women in more unstable jobs, such as part-time employment, temporary or contract employment, and self-employment.
710. Between 1994 and 1997, an increasingly large proportion of the female labour force occupied part-time jobs, with more women, proportionally, in this type of work. In 1997, 27.3 percent of jobs occupied by women were part time, as compared with 25.6 percent in 1994. In contrast, the situation for men remained steady at a conspicuously lower rate of 10 percent.
711. From 1994 to 1997, self-employment figures continued to rise. Women represented almost one-third of the self-employed and accounted for the increase in this type of work in the same proportion. The status of self-employed women is similar to that of their salaried counterparts: that is, proportionally more women occupy part-time jobs and earn less income than their male peers (70 percent of women, as compared with 28 percent of men, earn less than \$10,000 per year). It is estimated that 43 percent of self-employed women work part time, while this is true for only 14.3 percent of self-employed men. Average income for all women for whom self-employment constitutes a main business or secondary activity is 40 percent below that for men in the same situation, and this discrepancy increases progressively with age.
712. A committee established by the Department of Employment and Solidarity and the Department of Labour to examine the problem of self-employment submitted its report in November 1997. The government then pursued its deliberations by creating two working subcommittees, one on the status of self-employment and taxation, and the other on support for entrepreneurship, employment and job development.
713. Close on the heels of the 1997-2000 Action Plan for Women Throughout Québec, a government task force on female entrepreneurship was established in April 1997. This task force filed its report, entitled *Entreprendre au féminin* [Enterprising Women], in November of the same year. The report's recommendations are aimed primarily at facilitating access to financing, networking and information for female entrepreneurs. To implement those recommendations, the Department of Industry, Commerce, Science and Technology made administrative changes at the regional level in order to help women take advantage of Department services. The government also announced the creation of a consulting group on entrepreneurship to advise it on the best measures to be taken in this regard.

714. Despite an unfavourable economic climate, the number of businesses run by women has climbed dramatically. In 1994, approximately one firm in three was run by a woman; in 1991, the ratio was one in four. Over that period, the job growth rate in companies run by women was 13.6 percent. In 1994, these undertakings accounted for 358,200 jobs. However, female entrepreneurs are still found mainly in the traditional service sector.
715. Access to credit is one of the main difficulties experienced by female entrepreneurs. There are marked discrepancies in this area between female and male entrepreneurs, and research has shown that companies run by women borrow from financial institutions less often than those run by men. Also, when female entrepreneurs apply for financing, they are turned down much more often than men (23 percent versus 14 percent). Financial institutions ask women who own businesses to put up a guarantee, security or collateral more often than their male counterparts (74 percent as compared with 64 percent). Women are also more likely to be required to have their spouse co-sign a loan (25 percent) than men (13 percent), and they often pay higher interest.
716. Given these facts, in 1998 the Department of Industry and Commerce produced a video entitled *Prêt pour un prêt* in an effort to facilitate meetings with bankers. This tool comes with a plain language guide filled with examples that illustrate concepts and make financial jargon more understandable, enabling users to properly word their applications and prepare for negotiations.
717. With regard to labour standards in the province of Québec, the hourly minimum wage rose from \$6 on October 1, 1994, to \$6.80 on October 1, 1997, a 13 percent increase in three years. Over the same period, the hourly rate for tip-earners went from \$5.28 to \$6.05, a hike of approximately 15 percent. These increases constitute a major gain for women since, in March 1998, the latter represented 61 percent of the province's 137,000 minimum-wage earners.
718. Working conditions for live-in domestics have also improved. Between 1994 and 1997, minimum weekly compensation rose from \$233 to \$264, and the normal work week was reduced from 53 to 49 hours. Furthermore, since February 1, 1998, employers can no longer require live-in domestics to pay room and board, thus improving the working conditions of these employees even more.
719. On November 21, 1996, the Government of Québec passed the *Pay Equity Act* (S.Q. 1996, c. 43), which came into effect on November 21, 1997.
720. The purpose of the Act is to "redress differences in compensation due to the systemic gender discrimination suffered by persons who occupy positions in predominantly female job classes." It applies to any private or public sector firm with 10 or more employees.



721. This legislation contains detailed provisions for implementing the pay equity process; it provides for employee participation and stipulates how to establish a pay equity program for companies with 50 or more employees.
722. The Commission de l'équité salariale [Pay Equity Board] established under the Act puts a variety of tools at the disposal of employers to aid them in their endeavours. Employers have until November 21, 2001, to determine if adjustments in compensation are required, and until November 21, 2005, to pay such adjustments (in equal annual instalments). In the long run, it is hoped that the *Pay Equity Act* will make it possible to eliminate that portion of the wage gap, up to half, due to systemic discrimination (the other part being attributable to such factors as women's seniority, experience, lower educational level and lower unionization rate). Between 1995 and 1997, the last three years for which statistics are available, the ratio of average earnings for Québec women working full time year round varied at around 75 percent of that for men.
723. Over the past 20 years, in the wake of economic recessions and market and industry changes, the spectre of poverty has continued to haunt Québec despite sustained government efforts to mitigate the problem. Certain population groups are more likely than others to become and remain poor. In this regard, the status of women continues to be of concern. In 1996, according to Statistics Canada's after-tax low-income cutoff (LICO) figures<sup>1</sup> (1992 base), about 42.1 percent of women under 65 living alone were below the low-income cutoff point, as compared with 36.2 percent of men. This discrepancy is exacerbated for people 65 and over, with the respective rates being 47.7 percent and 27.4 percent. The proportion of female single parents under the low-income cutoff is estimated to be 41 percent.
724. The last Canadian Census, which took place in 1996, showed that single-parent families accounted for 16 percent of all families in Québec, and 82 percent of those were headed by women (after a breakup, women are most often given the custody of children). Between 1991 and 1996, however, there was a slight increase in the number of single-parent families headed by men (see Appendix 7).
725. Access to employment represents the best individual means of fighting poverty, provided that the income earned is sufficient and stable. Accordingly, any action that improves labour market integration for women helps them ward off destitution and achieve

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<sup>1</sup> These cutoffs represent income levels below which families spend more than 20 percentage points above the average on food and housing. According to this measurement, poverty is defined primarily in relative terms (i.e., in relation to allocation of income) and not in absolute terms (i.e., in relation to certain standards of needs fulfilment). According to this approach, poverty will always exist in Canada, unless income distribution becomes strictly egalitarian. However, this does not mean that the needy will not have enough income to ensure their livelihood, health and well-being.

economic independence, while at the same time contributing toward the fight against social injustice.

726. The Québec government, aware of the seriousness of the situation, took several initiatives at the Summit Conference on the Economy and Employment in October 1996, in particular by establishing the Anti-Poverty Fund and providing support for the development of a *social economy*, in response to requests from women's groups.
727. At the October 1996 Summit, union, management and community groups suggested that a gesture of solidarity be made toward the poorest of the poor, and reached a consensus on the creation of a special \$250 million fund. This Anti-Poverty Fund, to be allocated over three years, is made up of equal contributions from individuals and companies, including financial institutions. The *Act to Establish a Fund to Combat Poverty Through Reintegration Into the Labour Market* (S.Q. 1997, c. 28) was given assent by the National Assembly on June 12, 1997. For the first fiscal year, ended March 1998, women were the recipients of 29 percent of all jobs created by Fund-related projects. If forestry development projects are excluded, that figure rises to 64 percent. Women represented 51 percent of training program participants and 39 percent of those involved in job integration activities and private enterprise internships.
728. In June 1995, the "Bread and Roses" Women's March against Poverty Coalition submitted nine demands to the government, one of which was for a social infrastructure program. At the conclusion of the march, a policy and coordinating committee on social economics made up of representatives from women's groups was formed to advise the government on encouraging stable jobs in related fields. In May 1996, a report was filed and regional social economy committees were established to examine viable projects.
729. Province-wide, the Summit Conference on the Economy and Employment provided an impetus for the social economy through financial support for a number of specific projects. By March 1998, thanks to this initiative, 2,629 jobs had been created and 611 had been consolidated (no gender-based data on job distribution are yet available for this first year).
730. In 1997, concrete measures were taken to promote access to employability development, training and labour force integration for female income security recipients and single parents whose youngest child had reached the age of 5. Between May 1, 1997 and April 1, 1998, 2,884 of these women took advantage of the measures in question, as part of a process based on action adapted to their needs and involving the cooperation of community and institutional agencies.

731. In an effort to develop a specific strategy for under-employed groups, the Québec Government has provided financial and technical support for a number of different advisory committees. The Comité aviseur Femmes [Advisory Committee on Women] was established in November 1996 to optimize the government's ability to act on women's issues. Integrating women into the labour force and keeping them there involves special considerations and demands a specific approach. The Committee, which reports to Employment Québec, includes women from all areas of the province who work in local and regional development.
732. As part of the reform of public housing assistance for low-income families, especially single-parent families, the Québec government, in 1997, adopted certain strategies and an action plan. This reform resulted in:
- The October 1997 establishment of a unified, extended housing allowance for people 55 years and over (rather than 57, as was the case previously), families with children receiving income security benefits, and low-income workers with children. It is estimated that 75 percent of single-parent families are affected by this measure.
  - The October 1997 creation of Québec's Social Housing Fund [Fonds québécois du logement social], which is to distribute \$43 million annually for the construction of more than 1,800 social housing units a year, over a five-year period. The Fund also gave rise to Accès Logis, a program including the annual production of 1,325 co-op housing units. Of that number, 120 units are reserved for female victims of violence.
  - The 1997 freeze on housing costs, for 15,000 unemployable income security recipients, at 25 percent of their income.
733. With respect to the fight against poverty, it is important to mention the basic issue of access to housing free from discrimination based on any of the criteria in the Québec *Charter of Human Rights and Freedoms*. The Human and Youth Rights Commission has made impressive legal gains in this regard that have particular significance for women. In a case brought before the Commission on behalf of a social assistance recipient who had been refused housing, the Human Rights Tribunal concluded that, since the landlord had not bothered to inquire as to the woman's actual ability to pay rent, the complainant had been discriminated against on the basis of her social condition (*Commission des droits de la personne et des droits de la jeunesse du Québec v. J.M. Brouillette Inc.* (1996), 23 C.H.R.R. D/495). Furthermore, Québec courts have recognized that the refusal to let a dwelling on the pretext that, for example, three people should not occupy a 4½-room unit, constitutes a discriminatory practice because it prevents access by families with children,



thus constituting indirect discrimination based on age (of the children) (*Desroches v. Commission des droits de la personne and des droits de la jeunesse*, [1997] R.J.Q. 1540 (C.A.)).

## Article 11(1)(e)

734. The *Act Respecting Prescription Drug Insurance and Amending Various Legislative Provisions* (S.Q. 1996, c. 32) was passed in 1996. The new drug insurance plan gives everyone in Québec reasonable economic access to prescription medication. Almost 1.5 million Québeckers who previously did not have enough coverage benefitted from this insurance when it came into effect in January 1997. The plan entitles every Québec resident registered with the provincial health insurance board to basic pharmaceutical service and drug coverage.
735. As part of the initiatives taken to stimulate job creation in the social economy sector, a mechanism facilitating the payment of individuals working in the home care field — the service employment paycheque — was implemented in 1997. The goal of this measure was to reduce paperwork for the disabled and dependent seniors, provide a social safety net for home care workers, and reduce the incidence of unreported work in the social economics sector. Because of the type of home care eligible under the program (housekeeping, direct patient care, child care, etc.), the safety net for many female home care workers should become stronger, as employers — i.e., the disabled and dependent seniors — are now obliged to pay employer contributions to the Québec Pension Plan and Employment Insurance.
736. In October 1996, Québec's Workers Compensation Board, in cooperation with the Social Affairs Sector of the Association pour la santé et la sécurité du travail [Occupational Health and Safety Association], launched a project aimed at preventing injuries related to daycare work.
737. The project consisted of gathering complete data on daycare personnel, conducting an awareness campaign on "How to Live in a Child's World" [Comment vivre dans le monde des petits], and developing prevention tools (brochure, video, poster, newsletter). These tools, which were distributed to 1,200 daycares, are aimed at more than 10,000 daycare workers, 98 percent of whom are women.
738. In 1996, 532 daycare staff received Workers Compensation benefits; for the same year, 28,500 days of work were lost because of absences stemming from a work accident or occupational illness, for an average length of 54 days per incident.

## Article 11(2)(a)

739. During the period from April 1, 1994 to March 31, 1998 inclusively, the main legal decisions rendered in the employment sector by the Human Rights Tribunal bore on the application of s. 10 (discrimination on the grounds of sex or pregnancy) and s. 10.1 (sexual harassment) of Québec's *Charter of Human Rights and Freedoms*. Of the 17 cases in question, six dealt with sexual harassment, five with discrimination on the grounds of pregnancy, one with sexual discrimination, three with both sexual discrimination and sexual harassment, and two with discrimination and harassment based on sex, age and social condition. Of these complaints, the Tribunal allowed ten and dismissed seven (see Appendix 8).

## Article 11(2)(b) and (c)

740. In June 1997, the Government of Québec published the *Livre blanc des nouvelles dispositions de la politique familiale* [White Paper on New Elements of the Family Policy]. This policy was designed to facilitate a reconciliation of parents' family and professional responsibilities, provide financial assistance for low-income families, develop early childhood education services, and support maternity and paternity. The policy's three main areas of action are: tax reform and family allowances, educational and early childhood services, and maternity and parental leave benefits.
741. With regard to educational services, since September 1997, the government has offered full-time Kindergarten to all children in the province. Although attendance is optional, 99 percent of 5-year-olds attend Kindergarten.
742. With respect to early childhood services, in September 1997, the Department of Child and Family Welfare (MFE) turned existing non-profit daycares and child care agencies into a network of early childhood centres providing services for children four years and under. In 1997-98, these services were available at a cost of \$5 per day, and free of charge for parents on social assistance, for children in that age group. The MFE also allocated \$205.7 million in operating grants to early childhood centres and \$28.3 million to commercial daycares.
743. As of March 31, 1998, the MFE had injected almost \$2.5 million into the creation of new early childhood education spaces, representing an increase of 80 percent over the budget for the previous year. Part of that sum, or approximately \$650,000, went toward new spaces for 4-year-olds from disadvantaged homes in the Montréal area. An amount of \$92.9 million was also paid out as tax relief and child care assistance for low-income families.

744. Also at the same date, the Department of Child and Family Welfare was offering a total of 82,302 child care spaces, either in daycares or private homes, and the Department of Education provided 92,721 children with school daycare.
745. The new family allowance has replaced or modified certain programs previously in effect. Since September 1997, the allowance has varied in accordance with family status (single- or two-parent family), family income and number of children, and represented a sum of \$407.2 million for the period from September 1, 1997 to March 31, 1998.
746. Family allowances are not the only source of financial assistance provided by the Government of Québec — several tax provisions are also available.
747. In 1997, the *Act Respecting Labour Standards* (S.Q. 1997, c. 10) was amended to extend parental leave from 34 to 52 weeks.

## Article 12: Health

748. In the area of women's health in November 1996, the Department of Health and Social Services (MSSS) published *Derrière les apparences [Beyond Appearances]*, a monograph on the health and living conditions of women that takes Santé Québec 1987 survey data, the findings of other specialized studies, and the results of the social and health survey conducted by Santé Québec in 1992-93, and puts them all into perspective. The work discusses developments in women's health and living conditions as well as women's own health concerns.
749. The most significant finding of the surveys was the impact of social and economic conditions on health. Poor women — i.e., single parents and elderly women living alone — are seriously at risk from several health viewpoints. Certain key times of life, such as adolescence and old age, also seem more difficult and stressful for women. Even more significant, perhaps, are the numerous links between social status, health profile and behaviour.
750. The MSSS has developed a 1997-2000 action plan on women's health, wellness and living conditions that contains a number of measures designed to improve women's health and well-being. This action plan gives priority to evaluating the impact of network developments on families, relatives and workers, with the focus primarily on service organization changes and their consequences for caregivers and workers, who are mainly women. Related research projects are currently being planned or conducted.



751. The MSSS has also established the following measures to facilitate the task of caregivers:
- support programs for caregivers at the regional health and social services level
  - additional funding for home care services provided by CLSCs as part of their home support and respite programs (From 1996-97 to 1997-98, this increase amounted to \$50 million.)
  - budgets to enable CLSC Info-Santé services to better meet the needs of people in helping and support relationships, most of whom are women
752. These services are used 85 percent by women. A three-year, \$5-million recurring budget has been allocated to reduce call waiting time and increase response capabilities.

## **Article 12(1)**

753. In Canada, Québec has the highest number of cases of AIDS among women and children. It is estimated that between 50 and 60 new cases are diagnosed annually among Québec women, most of whom are between 25 and 40 years of age. At December 31, 1996, 466 cumulative cases of AIDS had been reported among women in the province. Data on risk factors show that 29 percent of cases of AIDS in adult Québec women are associated with heterosexual contact as the presumed source of infection.
754. In June 1997, the Department of Health and Social Services announced Phase IV of its Strategy for Combating AIDS, 1997-2002 [Stratégie québécoise de lutte contre le sida, 1997-2002]. This phase will involve the consolidation and optimization of measures that have achieved positive results and the adoption of practices that meet the needs of vulnerable groups. Action will be geared toward three priority areas: prevention, basic and clinical research, and the organization of care and services.
755. In May 1997, the Department announced the implementation of a program aimed at significantly reducing the transmission of HIV from mother to child by means of an effective, currently available treatment.
756. The goal of the program is to ensure that all pregnant women and those trying to become pregnant are provided with pertinent information on HIV antibody tests and zidovudine therapy (ZDV or AZT). All pregnant women will be given the opportunity by their physician to take such a test, free of charge and on a voluntary basis.

757. In Québec in 1996, according to estimates on the detection of breast cancer:
- breast cancer was the form of cancer most often diagnosed among Québec women
  - breast cancer constituted the second highest cause of death due to cancer among women
  - 4,100 new cases of breast cancer were reported
  - 1,450 deaths due to breast cancer were reported
  - almost 80 percent of breast cancer cases involved women over 50
758. The Québec Breast Cancer Screening Program launched in October 1997 is open to all women aged 50-69. These women are urged to have a screening mammogram every two years. The program's objective is to reduce deaths due to breast cancer among Québec women in this age group (a population of some 750,000) by at least 25 percent over 10 years. The program will be implemented gradually in accordance with the specific needs, resources and problems of each region. An annual budget of \$1.75 million has been allocated for the various activities involved, especially regional implementation.
759. In 1994, 29 percent of high school students smoked, as compared with 19 percent in 1991. This increase is especially notable among girls at all high school levels, whereas among boys the increase in prevalence is less significant.
760. A 1996 survey on smoking among young people showed that the habit was still on an upswing. Thirty-eight percent of all respondents said they smoked regularly or occasionally, with girls outnumbering boys 43 percent to 33 percent.
761. In 1994, in an effort to mount an effective campaign against smoking, Québec's Department of Health and Social Services designed and distributed an action plan centred on three main areas: prevention, protection for non-smokers and cessation. The plan is based on internationally recognized principles and strategies.
762. To properly understand Québec's specific situation as concerns early pregnancy, one must statistically place the phenomenon in a wider context. The rate of early pregnancies in Québec has long been lower than that in the rest of Canada. In the under-18 age group, the Canadian rate was 25.2 per 1,000 in 1980 and 25 per 1,000 in 1993. In Québec, the figure was 12.2 per 1,000 in 1980 and reached a ceiling of 19.8 per 1,000 in 1993. On the

international front, at the end of the 1980s, Québec's rate for women in the 15-19 age group was 37 per 1,000, close to that of Sweden (35 per 1,000); the rate in the United States was 97 per 1,000.

763. A number of variables may explain the rise in the pregnancy rate among women under age 18 in Québec between 1980 and 1992. First, Québec has historically had a low early pregnancy rate because of strong condemnation from Catholic institutions. Second, the province witnessed a marked increase in the number of sexually active young people and a decrease in the average age at which sexual relations first occurred. Third, the fertility rate among teenage girls from poor homes is significantly higher; the difficult economic climate of the past few years may thus have been a contributing factor. Fourth, sex education services provided by the health and social services network and educational system have reached a plateau, if not declined.
764. The latest available statistics also show that the pregnancy rate among girls under 18 has stabilized, and even started to decline. For 1993, 1994 and 1995, the rate was 19.8, 19.0 and 18.5 per 1,000, respectively. This downward trend may be due in particular to the use of contraceptives such as condoms and the pill.
765. However, this reduction is found mainly among 16- and 17-year-olds; the rate for girls under age 15 appears to still be climbing (4.4, 4.6 and 5.4 per 1,000 in 1993, 1994 and 1995, respectively).
766. Although the situation is less alarming in Québec than elsewhere, the government nonetheless decided that, given the often dramatic consequences of early pregnancy, it was essential to take action to prevent such pregnancies and support teenage mothers. Accordingly, the problem is one of the priorities of the 1997-2000 Action Plan for Women Throughout Québec. A committee of representatives from the various government departments concerned was established and given a mandate to develop government-wide strategies and an action plan. The committee's goal is basically to promote joint action and coordination in all sectors.

## Article 12(2)

767. The perinatal policy of the Department of Health and Social Services addresses the fact that needy pregnant women and future parents make such little use of the perinatal services offered by CLSCs. A pilot project was therefore carried out in 1995 in three areas of Québec (Eastern Townships, Laurentians, Montréal-Centre) to evaluate the possibility of having Labour-Québec centres and CLSCs cooperate in referring pregnant income security recipients to perinatal services provided by CLSCs and community agencies. The evaluation report, which was published in 1996, allowed the project to be



extended to all areas of the province, an operation scheduled over three years.

768. According to 1995 MSSS statistics, approximately 30 percent of the some 27,000 women who obtain an elective abortion each year must travel to another health and social services region to obtain this service. About one third of all elective abortions are conducted at women's health care centres and specialized clinics that do not receive funding from the health network. These organizations must charge between \$150 and \$550 for expenses other than doctor's fees, for an average of \$350 per abortion. In February 1996, the Department of Health and Social Services announced its family planning strategy, which comprised two priority objectives: a reduction in pregnancies among girls under 18, and improved access to family planning services, in particular abortions, in all areas of the province. Once these strategies had been adopted, regional health and social services boards began developing their own action plans to implement the two objectives.
769. In December 1997, the Conseil d'évaluation des projets-pilotes, a multi-disciplinary agency established under the *Act Respecting the Practice of Midwifery Within the Framework of Pilot Projects* (S.Q. 1990, c. 12), submitted its recommendations to the two government ministers concerned. The main recommendations were that:
- the practice of midwifery in Québec be officially recognized, that midwives be incorporated into perinatal teams and that the synchronization of front-line services be encouraged
  - midwives be recognized as independent professionals in charge of continuous service delivery for mother and child from conception to six weeks after birth
  - midwives be allowed to practise in a variety of locations and supervise births, especially in birthing centres, hospitals and private homes
  - administration of birthing centres be taken over by CLSCs
  - basic training for midwives be provided at the undergraduate level
  - clinical training (with an emphasis on front-line training) be provided at all locations in which midwifery is allowed, under the supervision of an authorized instructor
770. In the spring of 1998, the Government of Québec undertook to follow up on the report and gave the Québec Professions Board a mandate to consult the stakeholders on a model for exclusive practice for midwives.

## Article 13: Economics and Social Life

771. According to 1994 data, nearly 50 percent of marriages end in divorce. The consequences of such breakups are numerous. At the economic level alone, in 1994, 60 percent of single-parent families lived in poverty, as compared with 13 percent of two-parent families. Women and children are particularly affected, as 82 percent of all single parents are women.
772. The factors behind this state of affairs include spousal failure to pay regular child support and insufficient support amounts.
773. In 1995, Québec passed the *Act to Facilitate the Payment of Support* (S.Q. 1996, c. 18). This legislation created a universal system of child support collection by the Department of Revenue, which then pays the custodial parent. The Act also respects the independence of the individuals involved: the court can, under certain conditions and if it is convinced that both parties have consented freely, exempt the non-custodial parent from the obligation to pay child support to the Minister of Revenue.
774. Despite the corrective measures required to reduce administrative delays, the system has proven satisfactory, allowing for an increase in voluntary child support payments from 45 percent to 74 percent, according to the *Auditor General's Report, 1997-1998*.
775. Once the Act had come into effect, a follow-up committee was established to evaluate the program, make recommendations on how to rectify the situation, where applicable, and develop indicators to monitor results. The committee is to submit a report to the government by December 1, 2000, five years after the Act came into effect.
776. Since January 1, 1998, child support payments ordered by the court in the case of divorce or separation, *inter alia*, have been indexed in keeping with the terms of the judgment, or, failing this, automatically on January 1st of every year, in accordance with the annual pension index. Annual indexation makes it possible to maintain the real monetary value of child support.
777. Before May 1, 1997, federal and provincial tax legislation obliged custodial parents to include child support in the calculation of their income, even though non-custodial parents could deduct support paid. This tax treatment was the subject of a dispute before the courts.
778. In June 1995, the Supreme Court recognized the legal validity of the tax rules in question. However, given public pressure and the problems generated by the tax treatment concerned, the government decided to make child support tax exempt — i.e., to no longer

require custodial parents to declare it as taxable income or allow non-custodial parents to deduct it from their income.

779. This measure became effective on May 1, 1997, and applies to any judgment or written agreement concluded after April 30, 1997, that provides for the payment of child support or revises the amount of such support after that date.
780. Giving child support tax exempt status means that the custodial parent (in most cases, the parent with the lower income), not the non-custodial parent, is able to make greatest use of tax advantages.
781. The insufficiency of child support amounts is another factor in the poverty of women and children after a marriage breakdown. Accordingly, the Québec government developed a model for determining child support payments that came into force on May 1, 1997, at the same time as the federal model.
782. Under the new system, the support amount is calculated in accordance with the income of both parents, the number of children involved, the nature of the custodial arrangement and certain additional expenses, where applicable (medical costs, etc.)
783. However, the court may, if it is of the opinion that the amount of the payment determined under the model would result in undue hardship for one of the parents, or if the parents come to some other agreement that meets the child's needs, set support at a level other than that which would normally apply.
784. The rules for determining child support adopted in 1997 reduce ambiguity and the likelihood of contingencies and confrontations by setting forth specific criteria and rates governing particular situations, thus resulting in more rapid settlement of disputes and less stress between parties. The Québec model also affirms the joint responsibility of parents toward their children, and makes support a top priority with respect to any expenses over and above the non-custodial parent's basic needs.
785. The Department of Justice, which is responsible for enforcing the model, is to submit a report within three years of its coming into force, that is, by May 2000.
786. In Québec, both the provincial and federal government collect income taxes. Québec is the only provincial government in the country to have its own tax collection system. Like the federal government, Québec treats individuals as tax units and enforces "progressive taxation," a system under which taxpayers with a greater ability to pay are more heavily taxed. The Québec system thus encourages the independence of individuals within the same household and a certain redistribution of the wealth of average- and high-income



earners to those less affluent. Québec has also implemented several tax measures (deductions and tax credits) that are adapted to its particular aims and recognize certain special situations, such as the additional costs assumed by families with children.

787. Since January 1998, with the coming into effect of the tax reform for individuals, the tax burden on Québeckers has been reduced by approximately \$500 million. Measures under the reform include a reduction in personal income tax, especially for low-income earners, and the promotion of labour force integration for low-income earners. If one considers that women generally earn less than men (Article 11) and that their participation in the work force is often influenced by taxation, the reform should have positive benefits for this half of the population.
788. The reform also completes the initiatives implemented under the new family policy (Article 11(2)) by improving financial support to families via the tax system. Income for couples with children and single parents will increase as a result of this reform. Tax assistance for families with children is aimed primarily at recognizing the additional costs involved in meeting the basic needs of children (tax credit for dependent children), encouraging parents to join the work force (child care expense credit), and reducing the tax burden on low-income families (reduced income taxes for families).

## **Article 14: Rural Women**

789. In the area of agriculture, although girls have more years of schooling than boys, they are still not perceived as candidates for taking over the family business. The Department of Agriculture, Fisheries and Food is continuing to encourage the next generation of women farmers, awarding special mention to parents who support their daughters in this area of endeavour and granting scholarships to women enrolled in vocational dairy farming diploma programs. These measures seem to be producing conclusive results: the number of women 40 years and under designated to take over the family farm rose from 142 in 1995 to 422 in 1997.

## **Articles 15 and 16: Legal Rights and Women and the Family**

790. In Québec, gender equality is fully ensured in law. One of the key moments that marked this process was in 1964, when the province put an end to the legal incapacity of married women.
791. In 1975, the *Charter of Human Rights and Freedoms* officially prohibited, for the first time, any type of gender-based discrimination. The Charter was amended in 1982 to add pregnancy and harassment, and particularly sexual harassment, as prohibited grounds of discrimination.

792. In the early 1980s, an in-depth reform of family law improved legal protection for married women by recognizing their complete equality to exercise their civil rights, stipulating, in particular, that spouses have joint responsibility for the moral and material direction of the family and the exercise of parental authority. The reform also provided protection for the family residence by introducing a new remedy — the compensatory allowance — in case of separation, divorce or death.
793. Lastly, 1989 saw the passage of the *Act to Amend the Civil Code of Québec and Other Legislation in Order to Favour Economic Equality Between Spouses*. The Act deals with the division of family assets following a marriage breakdown; such assets consist primarily of family residences, household furniture, motor vehicles used for family travel, contributions made during the marriage by each spouse to the Québec Pension Plan, and benefits accrued during the marriage under a retirement plan. These basic reforms were followed by a variety of other measures, notably those relating to employment contained in the *Pay Equity Act* (S.Q. 1996, c. 43).

## Appendix 1: Documents Filed with the Committee

Ministère de la Santé et des Services sociaux. *Les agressions sexuelles : STOP*. Rapport du groupe de travail sur les agressions à caractère sexuel. Québec, 1995, 187 pp.

Ministère de la Santé et des Services sociaux. *Plan d'action 1997-2000 : Santé, bien-être et conditions de vie des femmes*. Québec, 1997, 117 pp.

Ministère de la Santé et des Services sociaux, Ministère de la Justice, Ministère de la Sécurité publique, Ministère de l'Éducation, Secrétariat à la Famille et Secrétariat à la condition féminine. *Prévenir, dépister et contrer la violence conjugale — Engagements des ministères et de leurs réseaux*. Québec, 1995, 26 pp.

Ministère de la Santé et des Services sociaux, Secrétariat à la condition féminine, Ministère de l'Éducation et Ministère de la Justice. *Prévenir, dépister et contrer la violence conjugale — Politique d'intervention en matière de violence conjugale*. Québec, 1995, 77 pp.

Secrétariat à la condition féminine. *Condition féminine et droits. Sommaire des principales lois Québécoises ayant une incidence sur les conditions de vie des femmes*. Québec, décembre 1998, 190 pp.

Secrétariat à la condition féminine. *La place des femmes dans le développement des régions, 5<sup>e</sup> orientation*. Québec, mai 1997, 67 pp.

Secrétariat à la condition féminine. *Programme d'action 1997-2000 pour toutes les Québécoises*. Québec, mai 1997, 138 pp.



## Appendix 2: Women in Positions of Power

### Municipal Level

Municipal Representatives	1994		1995		1996		1997	
	W/T	%	W/T	%	W/T	%	W/T	%
Mayors	126/1,413	9	131/1,408	9	127/1,393	9.1	128/1,365	9.4
Councillors	1,721/8,835	20	1,748/8,792	20	1,750/8,690	20	1,848/8,505	22

W/T = Women versus total number.

Source: Department of Municipal Affairs, Government of Québec, 1998.

### Provincial Level

Members of the National Assembly	1994		1995		1996		1997	
	W/T	%	W/T	%	W/T	%	W/T	%
MNAs	23/125	18.4	23/125	18.4	24/125	19.2	25/125	20
Ministers	4/21	19	6/20	30	5/22	22.7	5/22	22.7

W/T = Women versus total number.

Source: National Assembly.

### Regional Decision-Making Bodies

Organizations	1994 (%)	1995 (%)	1996 (%)	1997 (%)
Regional Development Councils — Boards of Directors	15.2	15.5	17.1	18
Regional Health Boards — Boards of Directors	33.8	Not available	Not available	36.9

Sources: Department of Regions, Department of Health and Social Services.

## Appendix 3: Senior Public Employees

### Breakdown of Québec's Senior Public Service,\* by Employment Category and Sex, April 1, 1994-March 31, 1998

Year and Employment Category	Men		Women		Total	
	Number	%	Number	%	Number	%
<b>1994</b>						
Deputy Minister	24	85.7	4	14.3	28	100.0
Assistant/Associate Deputy Minister	95	88.0	13	12.0	108	100.0
Agency Head	94	86.2	15	13.8	109	100.0
Officer	260	72.2	100	27.8	360	100.0
<b>Total</b>	<b>473</b>	<b>78</b>	<b>132</b>	<b>22</b>	<b>605</b>	<b>100</b>
<b>1995</b>						
Deputy Minister	26	96.3	1	3.7	27	100.0
Assistant/Associate Deputy Minister	91	87.5	13	12.5	104	100.0
Agency Head	94	85.4	16	14.6	110	100.0
Officer	274	72.5	104	27.5	378	100.0
<b>Total</b>	<b>485</b>	<b>78</b>	<b>134</b>	<b>22</b>	<b>619</b>	<b>100</b>
<b>1996</b>						
Deputy Minister	28	93.3	2	6.7	30	100.0
Assistant/Associate Deputy Minister	91	85.0	16	15.0	107	100.0
Agency Head	89	82.4	19	17.6	108	100.0
Officer	265	70.3	112	29.7	377	100.0
<b>Total</b>	<b>473</b>	<b>76</b>	<b>149</b>	<b>24</b>	<b>622</b>	<b>100</b>
<b>1997</b>						
Deputy Minister	25	75.6	8	24.4	33	100.0
Assistant/Associate Deputy Minister	78	72.2	30	27.8	108	100.0
Agency Head	83	79.8	21	20.2	104	100.0
Officer	243	69.0	109	31.0	352	100.0
<b>Total</b>	<b>429</b>	<b>72</b>	<b>168</b>	<b>28</b>	<b>597</b>	<b>100</b>
<b>1998</b>						
Deputy Minister	21	72.4	8	27.6	29	100.0
Assistant/Associate Deputy Minister	81	74.3	28	25.7	109	100.0
Agency Head	80	77.0	24	23.0	104	100.0
Officer	235	69.0	106	31.0	341	100.0
<b>Total</b>	<b>417</b>	<b>72</b>	<b>166</b>	<b>29</b>	<b>583</b>	<b>100</b>

\*Includes only those in executive positions appointed by government prerogative in government departments and agencies.

Source: Executive Appointment Secretariat, Executive Council Office, Government of Québec.

## Appendix 4: Women on the Bench

### Women on the Bench

Municipal Courts			
At March 31, 1998	Total Number of Judges	Total Number of Women	Percent
1994	97	6	6.2
1995	96	6	6.2
1996	99	9	9.1
1997	94	10	10.6
1998	100	11	11.0

Court of Québec			
At March 31, 1998	Total Number of Judges	Total Number of Women	Percent
1994	290	37	12.8
1995	290	41	14.1
1996	290	46	15.9
1997	290	49	16.9
1998	270	49	18.2

Superior Court			
At March 31, 1998	Total Number of Judges	Total Number of Women	Percent
1994	143	17	11.9
1995	143	20	14.0
1996	143	22	15.4
1997	143	24	16.8
1998	143	26	18.2

Court of Appeal			
At March 31, 1998	Total Number of Judges	Total Number of Women	Percent
1994	20	5	25.0
1995	20	5	25.0
1996	20	5	25.0
1997	20	5	25.0
1998	20	5	25.0

Source: Québec Department of Justice, June 1999.



## Appendix 5: Diplomas of College Studies

### Percent of Technical DEC's (Diplomas of College Studies) Issued to Women by Public and Private Colleges, by Program, 1994-96

Program	1994	1995	1996
	Women (%)	Women (%)	Women (%)
Biology	79.3	76.8	80.3
Physical science	15.7	16.5	15
Social science	69.45	67.4	73.9
Business administration	68	64.7	65.3
Applied arts	74.6	69.7	71.2
Total	58.9	57.8	59.2

Source: Department of Education. *Système de la sanction des études au collégial* (SSEC 1998-03-12).

## Appendix 6: University Degrees

### Percent of Bachelor Degrees Held by Women, by Field of Study, 1992-96

Field of Study	1994	1995	1996
	Women (%)	Women (%)	Women (%)
Health	75.4	73.9	74.1
Pure sciences	46.3	49.7	49.9
Applied sciences	25.9	25.1	26.3
Social sciences	63.6	63	64.9
Education	77.5	75.1	76.9
Administration	52.9	53.1	53.7
Art	62.6	64.8	63.9
Literature	71.3	72.4	73.2
Law	56.8	58.5	61
Multi-disciplinary Studies	64.1	67.8	66.4
<b>Total</b>	<b>58.3</b>	<b>58.6</b>	<b>59.9</b>

Source: Department of Education. *Système de recensement des clientèles universitaires* (RECU 1998-05-01).  
N.B.: Does not include degrees conferred by the Collège militaire royal de Saint-Jean.

## Appendix 7: Single-Parent Families

### Changes in the Number of Single-Parent Families in Québec

Year	Single-Parent Families						All Families	
	Women		Men		Total			
	Number	(%)	Number	(%)	Number	(%)	Number	(%)
1991	221205	82.3	47645	17.7	268850	14.2	1883135	100
1996	252515	81.6	56920	18.4	309435	15.9	1949975	100

Source: Statistics Canada, 1991 and 1996 Censuses, *The Nation Series* tables.



## Appendix 8: Legal Actions Involving Sexual Harassment

- *CDP v. Ville de Montréal et Marcel Bastien*, T.D.P.Q., N° 500-53-000003-495, December 14, 1994 (Simon Brossard J.). The complainant alleged sexual harassment by her foreman culminating in an incident in which he had forced her to masturbate him. The complainant claimed \$15,000 for pain and suffering and \$4,000 in material damages. The complaint was dismissed with costs by the Tribunal.
- *CDP v. Jacques Lemay*, T.D.P.Q., N° 615-53-000002-943, N° 615-53-000003-941, N° 615-53-000004-949, June 12, 1995 (Michael Sheehan J.). Three complainants alleged they had been sexually harassed by the general manager of the supermarket where they worked. The complaints were allowed with costs. Amounts of \$2,000, \$3,000 and \$6,000, respectively, were awarded for pain and suffering.
- *CDPDJ v. Réginald Trudel*, T.D.P.Q., N° 700-53-000001-960, September 27, 1996 (Simon Brossard J.). The complainant claimed she had been sexually harassed by her employer, and in particular that he had made offensive remarks. As the complainant failed to testify at the trial, the complaint was dismissed with costs.
- *CDPDJ v. John Zervakis, faisant affaires sous la raison sociale « VITO SUBMARINE » et Joannis Chustoulakis faisant affaires sous la raison sociale « VITO SUBMARINE » et Maurice Loyer*, T.D.P.Q., N° 755-53-000001-964, June 6, 1997 (Simon Brossard J.). The Commission had entered a complaint of harassment in the workplace. The Tribunal dismissed the complaint with costs on the grounds of insufficient evidence.
- *CDPDJ v. Coiffures Woncor inc. faisant affaires sous la raison sociale de « Salon de coiffure Magicut » et Serge Therrien*, T.D.P.Q., N° 500-53-000082-872, March 9, 1998 (Simon Brossard J.). The complainant alleged that she had been sexually harassed in her job as hairdresser. The Commission was unable to prove the offensive nature of the actions of the defendant, and the complaint was dismissed with costs.
- *CDPDJ v. 2849-5224 Québec inc. faisant affaires sous la raison sociale de Restaurant Delicatessen chez Alexandra enr. et Georges Koutrouvideas*, T.D.P.Q., N° 600-53-000004-974, N° 600-53-000003-976, March 23, 1998 (Michael Sheehan J.). The complainants alleged they had been sexually harassed at work, and that this harassment took the form of repeated remarks and gestures

of a sexual nature. The complaints were allowed with costs. Amounts of \$3,000 and \$2,000 for pain and suffering, and of \$1,500 and \$1,000 in material damages, respectively, were awarded to the complainants.

### **Legal Actions Involving Discrimination Based on Pregnancy**

- *CDP v. Lingerie Roxana ltée*, T.D.P.Q., N° 500-53-000005-940, February 23, 1995 (Michèle Rivet J.). Dismissal of a pregnant industrial sewing machine operator. The case was stated *ex parte* because the defendant declined to appear. The Tribunal allowed the complaint with costs and granted the complainant a sum of \$3,500 in material damages and \$5,000 for pain and suffering.
- *CDP v. La Commission scolaire de Jean-Rivard*, T.D.P.Q., N° 253-53-000001-942, June 20, 1995 (Michèle Rivet J.). The complainant, a teacher, was refused a contract for religious instruction at the Secondary 1 level because she was pregnant. The complaint was allowed with costs, and \$25,589 in material damages and \$5,000 for pain and suffering were awarded to the complainant.
- *CDP v. Les Systèmes internationaux de fret Dillon Reid inc. et Joseph Courdi*, T.D.P.Q., N° 550-53-000016-954, April 12, 1996 (Michèle Rivet J.). The complainant had been dismissed by her employer after returning from maternity leave. The claim for damages was dismissed with costs.
- *CDPDJ v. Ville de Montréal et Syndicat canadien de la fonction publique*, T.D.P.Q., N° 500-53-000070-977, N° 500-53-000071-975, November 21, 1997 (Michael Sheehan J.). The City of Montreal discriminated on the ground of pregnancy by not crediting the employees concerned with seniority accumulated during maternity leave, even during the probationary period. The complaints were allowed with costs. One complainant received \$2,934.67 in material damages and a retroactive seniority date; the other received a retroactive seniority date only.
- *CDPDJ v. Ville de Montréal*, T.D.P.Q., N° 500-53-000084-978, March 20, 1998 (Simon Brossard J.). Complaint of discrimination in working conditions because of pregnancy. The Tribunal allowed the complaint, sentenced the City of Montreal to pay \$7,500 to the complainant, and ordered the city to cease all future discrimination against pregnant employees and include seniority accumulated during absences due to pregnancy-related health problems in seniority calculations.

### **Legal Actions Involving Sexual Discrimination**

- *CDP v. Centre d'accueil Villa Plaisance*, T.D.P.Q., N° 115-53-000001-946, December 12, 1998 (Michèle Rivet J.). A policy involving gender requirements for reception centre attendants in a seniors' home was deemed to be discriminatory, as the employer failed to prove, in accordance with the criteria of rationality and proportionality set forth in the *Brossard* judgment, that the policy had any rational relationship with the goal in question or that it was proportional to that goal. In other words, the policy was deemed unnecessary to meet the needs of centre residents. The complaint was allowed in part, with costs.

### **Legal Actions Involving Sexual Harassment and Sexual Discrimination**

- *CDP v. D' Yvan Johnson et Clinique dentaire Yvan Johnson Inc.*, T.D.P.Q., N° 705-53-000004-948, April 18, 1995 (Michael Sheehan J.). A dental assistant had been subjected to humiliating and insulting behaviour by her employer, as well as remarks that were sexual in nature. The Tribunal concluded that she had been the victim of sexual harassment and sexual discrimination. The complaint was allowed with costs, i.e., \$2,600 in material damages, and \$5,000 for pain and suffering.

### **Legal Actions Involving Harassment and Discrimination Based on Sex, Age and Social Condition**

- *CDPDJ v. D' Favid O'Hashi*, T.D.P.Q., N° 500-53-000026-953, September 25, 1996 (Michael Sheehan J.). An action for damages against a physician for aggressive behaviour involving discriminatory harassment based on sex, age and social condition toward a nurse. This was not a case of sexual harassment, but one of aggressive behaviour. The complaint was dismissed without costs.
- *CDPDJ v. 2641-0431 Québec inc., faisant également affaires sous les noms André Gosselin Bois de foyer et Transport André Gosselin*, T.D.P.Q., N° 505-53-000004-967, N° 505-53-000005-964, March 10, 1997 (Michael Sheehan J.). The two complainants accused the female manager of a small polling firm employing four or five people of harassment (a charge usually leveled at men). The complaints were dismissed with costs.



## Ontario

### Introduction

794. This document summarizes and updates the measures that the province of Ontario has taken since the Fourth Report (for the period covering April 1994 to March 1998) with respect to provincial policies, legislation and programs relevant to the articles of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).

### Articles 2 and 3: Anti-Discrimination Measures and Measures to Ensure the Advancement of Women

795. Ontario is committed to the strong enforcement of the *Ontario Human Rights Code* (the “Code”) which provides every person with the right to equal treatment without discrimination because of sex, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed and a number of additional grounds. The Code protects women from discrimination, including harassment and sexual harassment, under the ground of sex in the areas of services, contracts, housing accommodation, employment and vocational associations.
796. Specific sections of the Code operate to allow female-only services and/or facilities where this is necessary for reasons of public decency or for the protection of women from abusive situations. The Code permits special measures (“special programs”) and protects organizations that promote women’s right to equality, and employment that contributes to equal opportunity for women.
797. The Ontario Human Rights Commission continues to be the agency under the authority of the Code to enforce the right to freedom from discrimination on the ground of sex. In 1994-95, approximately 24 percent of all complaints to the Commission primarily involved discrimination on the basis of sex, pregnancy or sexual harassment. This figure was 27 percent for 1995-96, 26 percent for 1996-97, and 25 percent for 1997-98.
798. In 1995, the Government of Ontario introduced the Equal Opportunity Plan, based on the Code’s prohibition against discrimination. The Plan embodies four basic principles:
- All individuals should be treated with dignity and respect.

- Action should be taken to eliminate discrimination and harassment.
- Barriers that prevent equal opportunity should be identified and removed.
- Employment decisions should be made based on individual merit and ability.

799. The Equal Opportunity Plan includes a range of components. For example:

- services to support the efforts of employers and employees to create fairer workplaces, including an information and referral service on a website
- government working in partnership with employers and employer associations to develop training and education resources and to demonstrate best practices in removing and preventing barriers to equal opportunity
- measures to improve access to professions and trades for those trained and educated outside Canada, including working with professional regulatory bodies to develop models to assess and recognize foreign qualifications
- an equal opportunity guideline for police services
- measures to promote equal opportunity in the Ontario Public Service
- completion of a restructuring process at the Ontario Human Rights Commission to improve client service.

800. In 1996, the Ontario Human Rights Commission released its detailed policy statement and plain language brochure dealing with sexual harassment and gender-based discrimination (see paragraph 429 of *Canada's Fourth Report on the Convention on the Elimination of All Forms of Discrimination against Women*).

801. In 1997-98, the Commission modified its complaint procedures to ask callers reporting sexual harassment if they have personal safety concerns. Commission staff now direct such persons immediately to the appropriate authorities, i.e., the police, support groups and/or shelters. The Commission developed specialized training on sexual harassment to respond to these issues. In addition, the Commission ran a sexual harassment awareness campaign on local transit systems throughout the province.

## Women Who Face Multiple Forms of Discrimination

802. Where specific human rights situations are not listed as grounds under the Code, the Commission has developed policies to give direction to address these issues directly or by linking them to enumerated grounds of the Code. For example, the Commission has published policies on Sexual Harassment and Inappropriate Gender-Related Comment and Conduct, Female Genital Mutilation (FGM), Discrimination and Language, and Discrimination Because of Pregnancy. The Commission has also revised existing policies to reflect international standards, where applicable. For example, the Policy on Discrimination Because of Pregnancy makes specific reference to the fact that Canada is a signatory to the United Nations *Convention on Economic, Social and Cultural Rights*. The Policy cites language in the Convention which provides for special protection of mothers during a reasonable period before and after childbirth.
803. The Commission, through the provisions of the *Guidelines for Assessing Accommodation Requirements for Persons with Disabilities*, has made employers and service providers aware of their duty to accommodate women with disabilities.
804. The Government of Ontario has implemented programs to foster the equality of women who face multiple forms of discrimination. Outlined below are some of the specific policies and programs aimed at assisting these women.

### *(i) Women with disabilities and senior women*

805. In 1996, the Ontario Government introduced a community-based approach to promoting the dignity and interests of vulnerable adults (those who have difficulty expressing or acting upon their wishes because of a disability, medical condition, communication problem or advanced age). In addition, InfoAbility, a province-wide information and referral service with a resource database was launched to support vulnerable people, their families and caregivers.
806. The former Ministry of Citizenship, Culture and Recreation helped support a number of community programs to aid women with disabilities and senior women, including:
- Community Connections (1996), a grant program that supports coordination of local advocacy services for vulnerable adults
  - community-based projects that provide violence prevention education on behalf of women with disabilities



- Good Neighbours, a campaign which promotes informal volunteer activities at the community level to assist vulnerable people (persons who are shut-in, frail, elderly, or with disabilities) within their homes and neighbourhoods
- Access Fund, refocused in 1996 under the Ontario Government's Equal Opportunity Plan to promote opportunities for persons with disabilities to work as volunteers and participate in employment bridging activities

*(ii) Immigrant and visible minority women*

807. The former Ministry of Citizenship, Culture and Recreation provided support for the community-based delivery of cultural interpreter services to help women who do not speak English or French, and who have been victims of violence, to access necessary shelter, social, legal and medical support services. In addition, the Ministry promoted violence prevention education in immigrant and refugee communities by funding community initiatives.
808. The Ontario Government continues to fund the Riverdale Immigrant Women's Centre to provide settlement and integration services, as well as English as a Second Language programs, to South Asian and Chinese speaking women and their families. It also funds the New Experiences for Refugee Women in Toronto to provide similar services to refugee women from Latin American countries.
809. Although not specifically tailored to racial minority women, the Ontario Human Rights Commission's Policy on Racial Slurs and Harassment and Racial Jokes applies to racial minority women.
810. Following the release of its Policy on Female Genital Mutilation (FGM) in 1996, the Commission released a plain language document in Arabic, Swahili, Amharic and Somali to sensitize women from affected communities to their rights and responsibilities. Community organizations aided the government in distributing these documents.

*(iii) Aboriginal Women*

811. Between April 1994 and March 1998, the Ontario Native Affairs Secretariat provided funding to the Ontario Native Women's Association to support its work on behalf of Aboriginal Women. The Aboriginal Healing and Wellness Strategy (see paragraph 443 of the Fourth Report) continues to receive funding. In addition to the services provided through the Strategy, there are four shelters located on reserves co-funded by the province and the First Nations.

## Article 4: Temporary Special Measures

812. In December 1995, the Ontario Legislature passed Bill 8 — *A Bill to Repeal Job Quotas and to Restore Merit-Based Employment Practices in Ontario*. Bill 8 repealed the *Employment Equity Act 1993*, the Act referred to in paragraph 451 of *Canada's Fourth Report on the Convention on the Elimination of All Forms of Discrimination against Women*. Section 14 of the *Ontario Human Rights Code* continues to allow special programs to assist historically disadvantaged groups, such as women.
813. The Commission revised and updated its interpretive *Guidelines on Special Programs* in 1996 in order to reflect the new legislative environment.

## Article 5: Elimination of Stereotypes

814. Healthy Babies, Healthy Children is a new joint Ministry of Health and Ministry of Community and Social Services program. It is a prevention/early intervention initiative designed to ensure that all Ontario families with children who are at risk of physical, cognitive, communicative or psychosocial problems have access to effective and consistent supports and services. This community-based program is creating a network of local service providers whose collaboration focuses on identifying and supporting the needs of vulnerable children and parents as early as possible. Such services include post-partum screening in hospitals, assessments by public health nurses, and the designation of a service coordinator for each high risk family that requires it.
815. The government funds services related to violence against women. The Ministry of Community and Social Services funds 98 shelters for abused women and their children and more than 100 counselling agencies. The Ministry is in the process of developing a curriculum to jointly train child protection and violence against women workers to better understand the role each sector plays in supporting abused women and children, and to better coordinate their activities.
816. The Ministry of Northern Development and Mines, in cooperation with the Ontario Women's Directorate, provides grants to sponsoring organizations to assist survivors of sexual assault and wife assault by improving accessibility of outreach and self-help programs. Increased accessibility to prevention services across the North is intended to reduce the incidence of violence against women in Northern Ontario communities.
817. The Ministry of the Solicitor General, along with other ministries, implemented Ontario's Domestic Violence Justice Strategy (DVJS) with respect to the expansion of services directed to victims of domestic violence, local justice community coordination,

specialized investigations of incidents by trained police, a coordinated prosecution led by trained Crown Attorneys, and the fast-tracking of these cases.

818. To complement its funded programs and services, and to support the implementation of the DVJS, the Ministry of the Solicitor General has mandated a police response to victims which is formally articulated in the Adequacy Standards Regulations of the *Police Services Act*. One of the requirements specified in the Regulations is the development of an integrated service delivery framework for assisting victims of domestic violence. This requires that every police service in Ontario have in place, by January 1, 2001, policies on investigations into domestic violence occurrences, as well as procedures and processes for undertaking and managing these investigations. The Ministry has undertaken several initiatives to assist police services in meeting this requirement.
819. The Ministry of the Solicitor General and the Ministry of the Attorney General jointly announced the *Victims' Bill of Rights* in June 1996 to legislate a set of principles to support victims of crime with timely, respectful and courteous treatment throughout the criminal justice system. Many victims, especially victims of sexual assault and domestic violence, are women. An amendment in November 1997 to the *Police Services Act* included victim assistance as one of the legislated duties of police services across Ontario.
820. Through its Victim Services Unit, the Ministry of the Solicitor General funds and administers a range of programs which are directed, either wholly or in part, toward addressing violence against women. These programs include: 33 Sexual Assault/Rape Crisis Centres, 21 Victim Crisis Assistance and Referral Service Programs, the SupportLink Wireless Phone Program, the Victim Support Line, and Partner Assault Response Programs. In addition, the Victim Services Unit coordinates victim awareness training workshops for police officers. These workshops are designed to enhance the ability of police officers to respond to victims in a professional and compassionate manner, and to foster positive relations with victim service providers.
821. The Ministry of the Solicitor General also funds and participates in educational initiatives and public awareness campaigns.
822. The Ministry of Education funds a number of projects and initiatives related to reducing the incidence of all forms of violence against women and girls. Public education materials are published in 28 different languages, including many Aboriginal languages.
823. The Ontario Human Rights Commission has developed a policy statement on the rights of transgendered persons. The Policy on Discrimination and Harassment Because of Gender Identity is set out in a discussion paper released to the public. The discrimination, harassment and social stigma suffered by transgendered persons, due largely to sex-role



stereotyping, warrants human rights protection. The Commission now accepts complaints related to gender identity under the ground of sex.

824. While CEDAW does not expressly provide for a woman's right to be free from discrimination on the basis of sexual orientation and same-sex partner status, these are rights expressly protected both by statute and by the *Constitution* in Ontario and Canada. The Ontario Human Rights Commission has developed a public policy statement on sexual orientation.

## Article 10: Education

825. The Ministry of Training, Colleges and Universities has published and distributed background documents on the status of women in post-secondary institutions. For example, the *Status of Women in Ontario Universities* (two volumes) is a series of statistical reports which tracks women's participation at all levels within the Ontario university system. These reports have been an important resource for monitoring changes in the participation of women students, faculty and administrative staff in Ontario universities.
826. The Ministry of Training, Colleges and Universities provides support to a number of women in apprenticeship programs. The Workplace Support Services Branch, which oversees broad training and re-employment strategies, emphasizes the full and effective participation of disadvantaged and under-represented groups, including women, in labour force development programs and services.
827. The Ministry of Training, Colleges and Universities also provides child care bursaries under the Ontario Student Assistance Plan to assist students with child care costs while they attend college or university. In addition, assistance is available for students with dependent children and for women in doctoral programs with financial need.
828. In May 1995, the Ontario Human Rights Commission launched a package of pedagogical materials for secondary students entitled *Teaching Human Rights In Ontario*. The package contains materials and handouts designed to introduce students to the protection of human rights in the Code and to help them understand the role of the Commission. The package, in both English and French, was sent to every secondary school and every school board in Ontario as well as hundreds of other individuals and groups at their request. In addition, the material is being used to teach human rights in community colleges and universities, in Adult Basic Education and in English as a Second Language classes. The Commission was also a contributing member to the Ministry of Education's Equity in Learning Materials Committee.

829. Information about the Code and the Commission is available to thousands of students across Canada via the Internet on the "SchoolNet" service by way of the Commission's own website ([www.ohrc.on.ca](http://www.ohrc.on.ca)), launched in December 1996.
830. In 1997, the Commission introduced a strategy to revitalize its education and information activities. Commissioners and Commission staff personally delivered education and training to 3,497 people in 1997-98, 1,715 in 1996-97, 1,384 in 1995-96 and 311 in 1994-95.
831. The Ontario Women's Directorate implements and administers the Partners for Change program. The program is designed to encourage innovative partnership projects with educators, business and community organizations to support educational opportunities for girls that will lead to career and life success; promote the participation of women in math, science and technology-based training; encourage the recruitment, retention and promotion of women; and support women's entrepreneurial success.

## **Article 11: Employment**

832. Between April 1994 and March 1998, 73 percent of all complaints to the Commission were in the area of employment. In 1994-95, approximately 32 percent of employment complaints to the Commission primarily involved discrimination on the basis of sex, pregnancy or sexual harassment. This figure was 32 percent for 1995-96, 32 percent for 1996-97 and 31 percent for 1997-98.

### **Right to Work**

833. The *Labour Relations and Employment Statute Law Amendment Act* (Bill 7) was passed on November 10, 1995. Bill 7 introduced workplace democracy measures to the *Labour Relations Act* (LRA) which have strengthened the democratic rights of individual workers. Domestic workers are excluded from the LRA but continue to be free to form voluntary associations.

### **Employment Opportunities — Training**

834. The Ministry of Economic Development and Trade (formerly the Ministry of Economic Development, Trade and Tourism) hosted an Ontario Public Service (OPS) seminar on the Changing Role of Women in the OPS in December 1995. Three hundred and fifty people attended the seminar to hear speakers from the public and private sectors.

835. The Ministry of Transportation supports, on an ongoing basis, a Women in Engineering Conference that provides an opportunity for the Ministry's female engineers to discuss training and development requirements and opportunities.

## **Child Care**

836. Since 1995, child care spending has increased. There are now approximately 143,500 regulated centre-based child care spaces, an increase of 14,500 spaces since March 1995. Also, in 1998, approximately 180 more centres were established — a 6 percent increase from 1995.
837. The 1997 Ontario Budget announced that 90,000 families and 125,000 children will benefit from a new child care tax credit to assist working families who are not benefiting from the current institutional child care system. This new system will provide more choice to parents and help child care providers make care more affordable. More families will receive assistance with priority being given to families who need help to start or stay at work.
838. Ontario recognizes the need to work toward a better balance between the private and non-profit child care sectors in order to meet the needs of families successfully. The province has taken several steps towards restoring that balance, including ending the conversion initiative under which private sector programs were converted to non-profit programs, lifting the ban on the purchase of spaces in the licensed private sector, and opening access to the licensed private sector for repair/maintenance funds.
839. All Aboriginal children attending programs run by First Nations receive fee subsidies. Ontario cost shares fee subsidies 80/20 with First Nations. In 1998, there were 53 centres operated by First Nations.

## **Equal Remuneration**

840. In July 1995, the Government of Ontario publicly affirmed its commitment to assist public sector employers with the cost of achieving pay equity, committing to providing annual funding. A one-time payment for retroactive pay equity adjustments was also made in 1997.
841. An amendment to the *Pay Equity Act* was made under the *Public Sector Transition Stability Act, 1997*, to allow reduced future wage adjustments if a pay equity plan is found to be no longer appropriate following a sale or amalgamation. The Pay Equity Advocacy and Legal Services Clinic, which provided free legal information and advice regarding



pay equity, has discontinued taking new cases since August 1, 1995. The government provided wind-down funding to allow the Clinic to complete ongoing cases.

## **Working Conditions**

842. Since the last report, the minimum hourly wage in Ontario has increased to \$6.85 per hour and is among the highest in Canada. The *Employment Standards Act* was amended to eliminate exclusions from overtime pay and public holidays for homeworkers and employers were required to provide homeworkers with written details concerning their work and pay. The minimum wage for homeworkers was raised to 110 percent of the general hourly minimum wage.

## **Maternity, Pregnancy and Parental Leave**

843. In 1996, the *Employment Standards Act* was amended to clarify that seniority, length of employment and service continue to accrue throughout pregnancy and parental leaves.
844. The Ontario Human Rights Commission has updated its 1996 Policy on Discrimination Because of Pregnancy to include clear rights with respect to pregnant and lactating women, including the right of such women to receive accommodation at work.

## **Article 12: Health**

845. The interlocutory injunction referred to in paragraph 529 of the Fourth Report, which prevents harassment and intimidation of abortion patients and providers and their families at certain doctors' homes and offices, and at three abortion clinics in Ontario, remains in place. It continues to be in the public interest to protect the safety and privacy of patients and providers and to ensure continuing access to abortion services. The government continues to provide funding to free-standing abortion clinics in Ontario.
846. In 1994-95, there were 71 midwives in Ontario. Ontario's commitment to legalized, funded midwifery care continues and funding has been increased.
847. As a result of the report *Caesarean Birth: A Quality Assurance Program to Increase the Appropriate Use of Caesarean Birth* referred to in paragraph 533 of the Fourth Report, a Maternity Care Guideline Project was established as a pilot project in the Orillia area. The purpose of this project is to implement evidence-based practice guidelines such as one-to-one labour support and intermittent fetal rate auscultation, to reduce the caesarean section rate. The Ontario Medical Association, the Ministry of Health, the Institute for Clinical Evaluative Sciences and local providers are working together on this project.

848. The Ministry of Health has established a working group to look at regulatory and funding options for new reproductive technologies in Ontario.
849. The Ontario Government continues to provide funding to 39 counselling services for adult women who are survivors of sexual assault and to Sexual Assault Treatment Centres in 27 hospitals and 12 satellite sites across the province. The Wife Assault and Sexual Assault Grants Program for the Education of Health Care Professionals provides money to help health care professionals treat survivors of partner assault and sexual assault.
850. The Ministry of Labour continues to provide general health protection to women under the *Occupational Health and Safety Act*. In particular, the Ministry safeguards the functions of reproduction and pregnancy from the hazards of radiation exposure.
851. One issue that surfaced during the United Nations' Fourth World Conference on Women in Beijing 1995, and that the Ontario Human Rights Commission has taken steps to address, is female genital mutilation (FGM). FGM involves the cutting and/or excision of the sexual organs of girl children. Because of the increase in immigration to Ontario from regions where the practice persists, the Commission has been made aware that girl children from affected communities are at risk in Ontario. There are, as well, important questions surrounding the care and treatment of women who have undergone the procedure. The Commission undertook extensive research and, in 1996, released a policy on the human rights implications of the practice.

## **Article 13: Economics and Social Life**

852. The *Tenant Protection Act* clarifies what information landlords can ask for when assessing prospective tenants. Previously, there was concern that landlords had the ability to screen tenants on the basis of minimum income criteria or rent-to-income ratios, in effect authorizing discrimination against persons on social assistance, seniors, the disabled, new Canadians and, in particular, women heading single-parent households. To address this concern, the *Human Rights Code* was amended to recognize that many tenants, particularly those on social assistance, pay a substantial portion of their income to rent. The Regulation does not use a rent-to-income ratio, and only in limited situations, where other information is not reasonably available to a landlord, may income information be used as the sole factor in assessing tenants.
853. The Ministry of Municipal Affairs and Housing is committed to providing priority access to subsidized housing for victims of family violence, the great majority of whom are women. In addition, the Ministry of Municipal Affairs and Housing has worked closely with the Ontario Housing Corporation to increase community economic development

projects for its residents. Many of the residents in Ontario Housing Corporation units are single mothers.

854. Any resident in Ontario, male or female, may apply for social assistance through the Ministry of Community and Social Services. Eligibility is determined on the basis of financial need and other criteria.
855. The former Ministry of Citizenship, Culture and Recreation continued to implement the provincial policy entitled "Full and Fair Access for Women and Girls in Sport and Physical Activity." This policy is designed to provide women and girls in Ontario a full range of opportunities to participate, compete and lead in the field of sport and physical recreation.
856. Completed policy initiatives include the development of resources for provincial and community sport and recreation providers. Two guidebooks and a poster are still made available on request. The former Ministry of Citizenship, Culture and Recreation's Strategy for Amateur Sport in Ontario, issued in 1996, further reinforced the government's commitment to safe and welcoming sport environments. Under this Strategy, provincial sport organizations' projects for women and girls are eligible for government funding. For fiscal year 1997-98, grants were provided for anti-harassment and anti-abuse initiatives.

## **Article 14: Rural Women**

857. The Ministry of Agriculture, Food and Rural Affairs works with Women and Rural Economic Development (WRED) to provide entrepreneurship training and counselling to rural women. The Ministry funded a research project entitled "Policing Spousal Assault in Rural Communities" through the Sustainable Rural Communities program in 1997 and 1998. The Ministry also provides leadership and organizational development consultation services to the Community Abuse Program of Rural Ontario, which focuses on the unique circumstances and needs of rural communities.
858. The Ministry produces a weekly television program, *Town and Country Ontario*, which has featured female role models. Women are featured in every kind of activity in the rural community, including their roles as partners or proprietors in farm businesses and food processing concerns. A Rural Youth Job Strategy provides support to projects preparing young women for the work force.
859. The Community Food Advisor Program uses trained peer educators to improve knowledge and behaviours related to healthy food choices and safety, and to enhance community leadership abilities of program volunteers. Approximately 90 percent of the



volunteers are female. Many of the clients are also women, including at-risk populations, such as teenage mothers and mothers-to-be, seniors and low-income groups.

860. In partnership with the Ontario Rural Child Care Committee, the Ministry produced and distributed an information package entitled "The Rural Community Development Process to Address Rural Child Care Needs." The Ontario Rural Child Care Committee obtained funding from the Canadian Agricultural Safety Program to produce and distribute the package across Canada.
861. Twice yearly, Leadership in Action Programs assist 25-35 participants in developing leadership and organizational development skills. Increasing numbers of rural women have participated in these workshops which built the capacity and increased the effectiveness of community organizations.

## Manitoba

862. This Report updates, to March 1998, the information contained in Manitoba's submission to *Canada's Fourth Report on the Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).

### Article 2: Anti-Discrimination Measures

863. The Manitoba Human Rights Commission administers and enforces the *Human Rights Code, 1987*. The Code specifically protects against discrimination on the basis of ancestry, nationality/national origin, ethnic background/origin, religion, age, sex (including pregnancy), gender-determined characteristics, sexual orientation, marital/family status, source of income, political belief, and physical or mental disability.
864. Discrimination on the basis of sex was the most frequently cited ground of complaints filed in the years 1994 through 1997. It comprised 26 percent of all formal complaints filed in 1994, 30 percent in 1995, 38 percent in 1996 and 36 percent of those filed in 1997. In 1994, 56 percent (32 cases) of sex discrimination complaints were allegations of sexual harassment. In 1995, 58 percent (29 cases), in 1996, 54 percent (47 cases) and in 1997, 52 percent (33 cases) of sex discrimination complaints were allegations of sexual harassment.
865. In 1997, the Manitoba Human Rights Commission implemented a new series of Employment Seminars. These cover all forms of employment discrimination which have an impact on women, including sex, pregnancy and pregnancy-related discrimination. Included in the topics presented is a section on sexual harassment. The Commission's objective is to positively educate employers to prevent harassment in the workplace which is where the majority of harassment complaints arise. The Commission responds to numerous requests from business and service organizations for seminars on sexual harassment, and assists with the development and implementation of workplace sexual harassment policies.
866. In March 1998, the Manitoba Civil Service, in its principles and policies for managing human resources, implemented general policies, including:
- employment equity planning
  - barrier-free employment advertising

- employment equity in staffing
- sexual harassment

867. The staff of the Employee Assistance Program, a department within the Civil Service Commission, provide counselling and support to employees affected by incidents of sexual harassment.
868. In the summer of 1994 the Manitoba Department of Justice released *Family Law in Manitoba, 1994*, a public information booklet which was widely distributed and made available to the public in courts, child protection agencies, Maintenance Enforcement, Family Conciliation and numerous other government offices, Legal Aid Manitoba, women's shelters and other locations throughout Manitoba.
869. In 1994 and 1995, a comprehensive set of new legislative amendments and changes to regulations were developed and passed to implement a wide range of innovative maintenance enforcement mechanisms (garnishment of joint assets, ongoing garnishment of monies other than wages, pension benefit credit garnishment, driver's licence suspension/non-renewal). These new remedies greatly enhanced the ability of the province's Maintenance Enforcement Program to collect support payments.

### **Article 3: Measures to Ensure the Advancement of Women**

870. Amendments to the *Family Maintenance Act* were passed in 1997 and a regulation approved to establish a provincial support guidelines system which came into effect June 1, 1998.
871. New legislation, *The Domestic Violence and Stalking Prevention, Protection and Compensation Act* was introduced, which subsequently became law in June 1998. This Act provides civil remedies to victims of stalking and expands the civil remedies available to victims of domestic violence. The legislation was in part based on recommendations contained in the Manitoba Law Reform Commission's 1997 *Report on Stalking* and in the *Study of Domestic Violence and the Justice System of Manitoba*, the *Report of the Honorable Mr. Justice Schulman Respecting the Commission of Inquiry into the Deaths of Rhonda Lavoie and Roy Lavoie* (also released in 1997).
872. The Community and Youth Correctional Services, of the Manitoba Department of Justice, and the Department of Culture and Tourism have developed a new program to address domestic violence from a multicultural perspective. While the previous domestic violence program had input from various communities, it was developed and delivered to all communities by representatives from within the Department. A multicultural domestic violence program addresses the special ethnic, linguistic and cultural needs of domestic



violence offenders by offering the services of interpreters who have received training in domestic violence to provide program information in the offender's native language. Enabling communities to meet their own specific needs has resulted in a more culturally-aware delivery of programs to address domestic violence.

873. The Manitoba Department of Education and Training has identified Aboriginal education and training as a priority and is taking steps that its policy of inclusion is being applied to Aboriginal education and training in all areas of the Department, which includes Kindergarten to Senior 4, training and post-secondary education. While the policy is not directly focused on Aboriginal women, it will have a significant impact on improving their educational outcomes.
874. As of 1998, family violence services included 33 community-based agencies throughout Manitoba. Services in Winnipeg (the largest urban centre in the province) included second-stage housing, and long-term counselling for both Aboriginal and non-Aboriginal victims of abuse, their children, and abusers.
875. Within Manitoba Education and Training's policy and support documents, an emphasis on gender equality, anti-racism/multiculturalism, Aboriginal perspectives, inclusivity and equity is stressed.
876. Other family violence services include women's resource centres and long-term counselling for incest victims who have had addiction problems. Services throughout the province include crisis accommodation, counselling, public education, and crisis telephone lines. It is estimated that 4,700 women sought shelter in the 1997-98 fiscal year.
877. As of 1998, there are ten crisis shelters for victims of domestic violence situated in nine communities throughout Manitoba. The shelters were developed under the Federal-Provincial Public Non-Profit Special Purpose Housing Program. The Department of Housing of Manitoba has assumed all housing-related management functions for these shelters as of April 1993. Minimum building standards for crisis shelters have been developed.
878. In September of 1996, the Manitoba Women's Directorate launched "Keeping Safe at Work," in partnership with the Canadian Imperial Bank of Commerce, Workers Compensation, the RCMP, and the province's Police Services. This province-wide initiative focuses on the safety of those who work alone, or who travel to and from work alone. It provides tips on awareness of potential risks as well as what to do about them, to maximize personal safety. Information sessions are provided on-site at workplaces or training centres and pamphlets have been distributed across the province.

879. The 1996 Census of Canada indicates that 83.5 percent (31,260) of single-parent families in Manitoba were led by women.
880. The social assistance regulations were also amended to exempt some additional financial resources from consideration in the calculation of social assistance benefits for the family. With the introduction of the National Child Benefit (NCB) in 1998, social assistance regulations continue to exempt the Canada Child Tax Benefit (CCTB), except for the portion known as the NCB Supplement. Savings in assistance costs from this increased federal contribution to lower-income families is reinvested in programs and services for lower-income families, many of whom are headed by women. In the fall of 1998, it is intended that the Women and Infant Nutrition program be introduced, to provide nutritional counselling and a financial benefit to purchase healthy foods for pregnant women, breastfeeding mothers and parents with children under one year of age.

## Article 5: Elimination of Stereotypes

881. The Manitoba Women's Directorate, in partnership with Education and Training, and Red River Community College, developed and produced *Training for Tomorrow: A Role Model Video and Curriculum Guide*, for use in Senior 1-4 schools. The video portrays young women working in technology-related fields and encourages students to consider training and careers in high-tech occupations.

## Article 7: Women in Politics and Public Life

882. Of Manitoba's 70 full-time judges, 16 are women. The Chief Judge of the Provincial Court is a woman. Between April 1, 1994 and March 1998, of the eight judges appointed to the Court of Queen's Bench, five of them were women. For the same time period, of the six judges appointed to the Provincial Court, two of them were women.
883. Women hold 11 of the 57 seats in the Manitoba Legislature, a decrease of one from the last report. Of 17 cabinet minister positions, four are held by women, an increase of one from the previous report. These are two female deputy ministers of a total of 20, again an increase of one.
884. Women hold three of the 15 Winnipeg City Councillor positions.
885. One of the three community college presidents in Manitoba is a woman, a decrease of one from the last report.

## Article 10: Education

886. The Department of Education and Training curriculum initiatives for Kindergarten to Senior 4 schools include a focus on the integration of specific equity-related strategies, with one important aspect being gender fairness. The strategies are designed to help promote an inclusive education system in the province by ensuring that attention and sensitivity to gender fairness is reflected in the curricula for all subject areas.
887. To date, new curricula for mathematics, language arts (Kindergarten to Senior 3) and science (Kindergarten to Grade 4) have been released for implementation. The initial phase of curriculum development for each of these subject areas occurred as a collaborative inter-jurisdictional project under the Western Canadian (mathematics and language arts) and Pan-Canadian (science) protocols. Because there was general agreement about the importance of curricula that addressed the diversity of Canadian and world communities — that specifically challenged discrimination against women and supported a fair and equitable society — the common curriculum frameworks that resulted from these projects contain specific student learning outcomes that set out expectations in these areas. Manitoba's curricula are aligned with these common curriculum frameworks.
888. Curriculum development teams in Manitoba are inclusive, with women playing important leadership roles in all aspects of curriculum development.
889. Today's vision for scientific literacy (as reflected in the Pan-Canadian Science Framework and Manitoba's K-4 Framework) reflects an inclusive stance related to gender and varying cultural perspectives, including an Aboriginal perspective. This is in contrast to the previous view of science as the domain of white male scientists from the Western world. Manitoba has incorporated this vision into General Learning Outcomes that reflect student expectations for the end of their Kindergarten to Senior 4 schooling. One particularly relevant example (from the *Kindergarten to Grade 4 Science: Manitoba Curriculum Framework of Outcomes*, p. 2.6) is as follows:
- “Identify and appreciate contributions made by women and men from many societies and cultural backgrounds towards increasing our understanding of the world and in bringing about technological innovation.”
890. Teachers involved in the Interdisciplinary Middle Years Multimedia Project (IMYM) have observed equitable participation between male and female students in their IMYM classrooms. The best teaching practices encouraged in an IMYM classroom, such as real world connections, cooperative learning, attention to learning style and exercise of



multiple intelligence, have produced an inclusive learning environment where classroom diversity is celebrated. Both genders are equally involved in the production and construction of their own frames of knowledge using a variety of learning resources to achieve curriculum outcomes in an interdisciplinary context. The IMYM Project provides a model whereby both male and female Middle Years students can demonstrate appropriate use of information technology in meaningful ways.

891. All textbook and support materials from Kindergarten to Senior 4 level are screened on an ongoing basis through materials selection procedures that are based on the three-stage Canadian Exchange of Instructional Materials Analysis model. Non-sexist language is one of the many criteria used in the process. Other criteria include: age, race, ethnicity, religion, handicap, socioeconomic status, political belief and tolerance.
892. Curriculum assessment and examination committees screen Kindergarten to Senior 4 level items and questions on an ongoing basis for racial and sexual bias.
893. The Student Financial Assistance Program of Manitoba administers the Study Assistance for Social Allowance Recipients Program. This program provides student loans to cover educational costs to single parents who are receiving social assistance and who wish to pursue post-secondary education while continuing to receive social assistance. More than 80 percent of single parents in Manitoba are women.
894. Since January 1991, the University of Winnipeg has implemented several programs or policies which have reduced or eliminated forms of discrimination against women. These include:
- the Maternity/Adoption Leave Policy (1991) which supplements Employment Insurance, maternity and adoption leave benefits
  - the Sexual Harassment Policy (1991) and the establishment of the sexual harassment officer position
  - the Staff Development Program for Support Staff (1992) which provides for leave of absence with pay for staff to improve their qualifications and obtain additional training
  - the Tuition Scholarship Policy (1995) which has been used by many women to complete undergraduate degree programs on a part-time basis while working full time

- the Training and Development Policy for Support Staff (1991), a comprehensive training policy and funding incentive program which encourages training and development opportunities for employees and has mainly benefited women
- the development of a Policy on a Respectful Learning and Working Environment (1999)

895. Changes to the collective agreements between the University of Winnipeg and its employee groups have benefited women. These include changes to:

- seniority provisions which now allow seniority to accrue during maternity/adoption leave (1991)
- the parental leave provisions to allow for 17 weeks of parental leave following maternity leave (1991)
- participation by management and the union in work experience programs designed to introduce or reintroduce women into the work force (1991)
- compassionate/emergency leave that grants time off as a right to employees who need leave to look after family members (1992)
- job sharing arrangements that have opened up opportunities for mothers of young children (1992)
- implementation of Employment Equity Initiatives designed to increase and enhance the representation and participation of women in the work force (1997)

896. The University of Manitoba completed a two-part study on gender-based discrimination in the salaries of its full-time faculty members, which resulted in adjusting the salaries of women in 1995. The total adjustments to salaries of women academics as a result of this two-part study amounted to \$600,000.

897. The University of Manitoba successfully completed a compliance review of its employment equity program by the federal government. Human Resources Development Canada (HRDC) completed its second review of the University's employment equity program in November 1994. By April 1997, the University had improved its representation of women in its work force, despite experiencing an overall reduction in the number of employees due to severe economic constraints. The representation of women increased to 21 percent of full-time academics with tenures, probationary or

continuing appointments; 25 percent of senior administrators; 45 percent of professional and managerial staff; and 60 percent of support staff.

898. The University of Manitoba also revised its policy and procedures for recruiting academic staff by implementing equity procedures while maintaining its objective of hiring the best qualified candidates. The University also initiated training for its search committee on recruitment procedures, including employment equity procedures. Recruitment of women increased to 45 percent of academic staff and 64 percent of support staff, enabling the University to exceed its staffing goals for women.
899. In 1994-95, female students accounted for 51.9 percent of the total enrolment of full- and part-time undergraduate and graduate students. In 1997-98, this number had increased to 53.6 percent.
900. From 1994-95 to 1997-98, there were increases in the percentages of female students enrolled in traditionally male-dominated programs. As examples, the percentages of female students enrolled in agriculture and food science increased from 43.2 percent to 50.4 percent; in engineering from 17.0 percent to 20.2 percent; in law from 42.3 percent to 49.1 percent; and in science from 40.3 percent to 43.1 percent.

## **Article 11: Employment**

901. The Manitoba Women's Directorate is working collaboratively with Manitoba Education and Training, Labour Force Services and Apprenticeship Branches, the alliance of Manufacturers and Exporters, and Technical Vocational High School, to develop a pre-employment apprenticeship training program entitled Trade Up to Your Future to encourage women to enter apprenticeship training. The program is scheduled to run its first pilot in the fall of 1999.

## **Article 13: Economic and Social Life**

902. The Manitoba Department of Industry, Trade and Tourism has a Business Development Consultant available to provide information, counselling and training services through the Women's Entrepreneurial Initiative. Its objective is to foster the success of women in developing and expanding businesses. This Initiative integrates entrepreneurial education and training, access to start-up and expansion capital, as well as expert advice for support.
903. The Manitoba Women's Directorate partnered with four government departments, three women's organizations and private business to host "Manitoba Women in Business: Voices of Experience," a conference for women entrepreneurs. The conference included strategies for marketing, decision making, contracting out, use of the Internet, and



provided an opportunity for mentorship contacts. There was also an interactive video conference link between Winnipeg (the site of the conference) and Flin Flon's women's community.

904. In March 1995, the Manitoba Women's Directorate launched an ongoing umbrella program designed to encourage young women to make responsible and healthy life choices. It included measures to encourage girls to widen their career horizons (e.g., Training for Tomorrow Scholarship Awards, the Role Model video and Trade Up to Your Future), as well as initiatives to encourage adopting healthy lifestyles (On the Move, to encourage physical activity, speaking engagements in schools to present the importance of physical activities to girls, and Perspectives in Women's Leadership workshop training sessions, to encourage women to increase their leadership influence). "Do It For You," a motivational poster, and a "Role Models" poster were distributed to schools across the province.

## **Article 14: Rural Women**

905. A toll-free women's information line has been established to provide women from any part of Manitoba with easily accessible information on government and community programs and services.
906. The Manitoba Women's Directorate, in partnership with Manitoba Education and Training, developed the Power Up! computer training initiative to provide training to Manitoba women across the province, who are in need of basic computer literacy skills. The initiative will promote the importance of technology for women in today's marketplace and provide training that will build computer and Internet skills in adult women participants throughout Manitoba who have had limited exposure to computers. Training begins in June of 1999.

## **Article 16: Women and the Family**

907. Manitoba previously reported on the case of *Vogel and North v. Government of Manitoba*. This case involved the issue of whether denying spousal benefits to same-sex partners under the Government of Manitoba's Spousal Benefit Plan is discrimination based on sexual orientation, marital and family status, and/or sex. The case had implications for women in same-sex spousal relationships and their families. Earlier decisions by the Adjudicator (1991) and in the Court of Queen's Bench (1992) had held that such policies were not discriminatory. In 1995, the Court of Appeal overturned those decisions and referred the matter back to the Adjudicator in order to provide the Government with an opportunity to attempt to demonstrate that there was a bona fide and reasonable cause for the discriminatory treatment. In a decision released in November 1997, Adjudicator

Goodman determined that the government had failed to establish reasonable cause for the discriminatory treatment, and he directed that coverage be extended in all of the benefit plans with the exception of pension benefits (because the definition of "spouse" in the federal *Income Tax Act* may have resulted in the deregistration of the Plan). This decision was not appealed by the Government of Manitoba.

## Saskatchewan

908. This Report updates, to March, 1998, the information contained in Saskatchewan's submission to *Canada's Fourth Report on the Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).

### Article 3: Measures to Ensure the Advancement of Women

909. The Saskatchewan Human Rights Commission continues to administer and enforce the *Saskatchewan Human Rights Code*, which prohibits discrimination on the basis of sex or pregnancy in the areas of employment, education, accommodation and the provision of public services.
910. The Saskatchewan Women's Secretariat continues to provide leadership to government on issues affecting the economic, social and political conditions of women in Saskatchewan.
911. The Secretariat has developed a statistical database and a set of economic indicators that measure the economic progress of women in Saskatchewan and policy implications for government.
912. Between 1994 and 1998, the Women's Secretariat undertook research and policy development on issues such as economic security, family violence, single parents, pay equity, employment equity, wage gap, pension reform, unpaid work, poverty, balancing work and family, gender socialization, sexual harassment, Aboriginal women and senior women.
913. The *Victims of Domestic Violence Act*, referred to in Canada's Fourth Report, was proclaimed in 1994. It established emergency judicial orders, available in situations of domestic violence, which allow the abused party (usually the woman) to remain in the family home. Orders are available to ensure that an abused party can have access to personal effects following an abusive incident, and further remedies are available for the abused party following a violent incident. The legislation also allows the authorities to obtain a warrant to enter the home to investigate allegations of abuse.



## **Article 4: Temporary Special Measures**

914. The Saskatchewan Human Rights Commission continues to approve programs designed to address disadvantages faced by people on the basis of prohibited grounds of discrimination. The Commission's programs currently target women, persons with disabilities, Aboriginal people and members of visible minorities. The Commission supervises 35 employment equity plans affecting over 35,000 workers, and 29 education equity plans representing over 77,000 students.

## **Article 5: Elimination of Stereotypes**

915. The Women's Secretariat has developed and delivered a series of educational workshops for government employees and the general public. Workshop topics include balancing work and family, gender socialization, employment equity, communicating with respect and sexual harassment.
916. The Interdepartmental Committee on Family Violence includes approximately 10 government departments. In 1997, a policy framework was approved to address family violence. A three-year strategy includes establishing a partnership with the community, providing support to existing services and developing alternative justice services.
917. The Department of Social Services operates the Family Violence Support Centre. It also funds community-based organizations, including nine shelters, nine sexual assault counsellors, two programs which offer safe homes, and a number of domestic abuse outreach programs across the province which offer referral and follow-up services to abused women. Saskatchewan Housing Corporation, a division of the Department of Municipal Government, has been involved in the construction of shelters.
918. The Department of Education has developed units for the health curriculum for the middle level of public schools that address issues of gender stereotyping and family education. The curriculum has units dealing with respect and relationships, family and community violence, family structure, roles and responsibilities, and dating. All provincial curricula emphasize gender equity in all subject areas for all grades. The emphasis on gender equity is demonstrated by the use of inclusive language, the use of non-traditional examples for both males and females wherever possible, and a focus on gender-equitable experiences in suggested activities.

## **Article 6: Trafficking of Women and Prostitution**

919. The departments of Social Services and Justice have developed a five-point strategy to deal with the issue of children and youth (mainly female) involved in prostitution. The main elements of the strategy are: a public information campaign emphasizing that child prostitution is child abuse; a strict law enforcement policy aimed at those who sexually exploit children; targeted outreach services, using community agencies to serve children involved in prostitution; a tracking and monitoring system to enhance the detection and prosecution of perpetrators and to facilitate the provision of services to victims within Saskatchewan and across the country; and a review of existing provincial and federal laws to ensure they are consistent with the goal of successfully prosecuting those who sexually exploit children.

## **Article 10: Education**

920. The Equity in Education Forum is composed of representatives from the Saskatchewan Human Rights Commission, the Department of Education, the Saskatchewan School Trustees Association, the Saskatchewan Teachers' Federation, and the League of Education Administrators, Directors and Superintendents. In November 1997, the Forum and the Minister of Education released a document developed by the Forum, entitled *Our Children, Our Communities and Our Future*. This document articulates a common vision to promote equity in Saskatchewan schools, setting out policies and action plans for ensuring fair and respectful treatment within the education system. The Forum has now put into place measures to achieve the goals of the policy framework. There are also a number of post-secondary equity plans in place. The University of Saskatchewan, for example, has an equity program for female students in the mathematics department.
921. The Saskatchewan Human Rights Commission sometimes grants exemptions from the strict requirements of the *Saskatchewan Human Rights Code* where this is deemed "necessary and advisable." For example, although the Code prohibits sex discrimination in education, the Commission has granted an exemption enabling a Regina High School to offer an all-girl mathematics program.

## **Article 11: Employment**

922. The Women's Secretariat developed the Equal Pay for Work of Equal Value and Pay Equity Policy Framework as a guideline for the implementation of government policy, and provided advice to government workplaces on policy implementation. The Policy Framework sets out minimum standards for the implementation of pay equity. It requires a gender-neutral job evaluation system, jointly negotiated through the collective

bargaining process. On October 1, 1998, the Public Service Commission, in cooperation with the Saskatchewan Government Employees' Union, implemented the plan for 10,000 union members. It will be phased in over a period of five years.

923. Recent changes to the collective agreement between government employees and the Public Service Commission include the doubling of the maximum length of an unpaid maternity leave from one to two years.
924. In 1997, the Department of Labour began a two-year Balancing Work and Family Initiative to identify and address the challenges confronting Saskatchewan workers who face competing employment and family obligations. This government-sponsored community development initiative involves public education, a symposium and a survey of select private and public sector organizations to identify work and family issues. A task force comprised of business and labour leaders is conducting community consultations.
925. The *Saskatchewan Human Rights Code* prohibits discrimination in employment on the basis of "family status," which is defined as "being in a parent and child relationship." Family status was added to the Code as a prohibited ground of discrimination in 1993. The Human Rights Commission interprets the Code to impose an obligation on employers to accommodate their employees' family obligations.
926. In 1997-98, women comprised 46.4 percent of the total work force of all employers with Employment Equity Programs approved by the Saskatchewan Human Rights Commission (the "sponsor work force"). This is slightly less than the 1996-97 percentage but exceeds the Human Rights Commission's goal of 45 percent. Women made up 41.1 percent of the work force of public sector corporations (i.e., the corporations monitored that year).
927. The Commission suggests that women continue to face barriers in the public sector with respect to management positions and non-traditional and under-represented occupations. In 1996-97, women held 35.1 percent of all management positions in the total sponsor work force, but only 28.2 percent of management positions in public sector corporations. By comparison, the 1993 report identified women in 22.5 percent of management positions in the total sponsor work force.
928. In 1997-98, women occupied 27.4 percent of senior management positions and 38.9 percent of middle management positions in the sponsor work force, but only 14.4 percent of senior management and 30.8 percent of middle management positions in the public sector. The comparable figures from 1993 (for the total sponsor work force) were 16.2 percent in senior management and 28.7 percent in middle management.



929. Women are hired in numbers greater than their labour force representation of 45 percent; however, they continue to be concentrated in particular occupational groups. In most organizations these positions tend to be the lowest paid. Women are also under-represented in permanent positions.
930. The overall trend for women in management positions is encouraging. Sponsor reports indicate that the number of women in management has increased slightly. However, almost half of the sponsors have less than 25 percent representation of women in senior management. The Commission recommends increased focus on representation of women in the management of public sector corporations.

## **Article 12: Health**

931. The Screening Program for Breast Cancer now provides province-wide screening mammography services to women between 50 and 69 years of age. The Program is currently examining the possibility of expanding to provide services to 40- to 49- year-old women.
932. The Minister of Health announced the formation of the Cervical Cancer Screening Task Force on February 18, 1998, at the Allan Blair Cancer Centre. Saskatchewan Health is working with the Saskatchewan Cancer Agency to develop a cervical cancer screening program in the province, to establish an information system to improve rates of Pap testing, and to improve data collection for program development and decision making.
933. An Advisory Committee on Family Planning was established to make recommendations to the Minister of Health on reproductive health issues, such as unplanned pregnancy. Six pilot projects — Teen Wellness Centres — have been implemented and evaluated. A "Facts of Life" toll-free telephone line has been funded. A conference entitled "Well-being of Youth: Everyone's Concern" was held in March 1998.
934. The Bridge Point Centre for Eating Disorders, located in the town of Mildred, provides intensive rehabilitation for individuals (primarily women and girls) with eating disorders. The program is offered in four- to six-week modules which run as often as four times a year. An integral part of the program is follow-up in the home community, supported by relapse prevention weekends at the Centre. This is a three-year demonstration project which had its first intake in the fall of 1997.
935. The Successful Mother's Support Program reaches out to teen and young parents with disabilities and to children who live in conditions that put them at risk of poor mental and physical health.

936. A Midwifery Implementation Working Group was established by Saskatchewan Health in 1997 to work towards the introduction of midwifery legislation. The Working Group is currently reviewing and developing the necessary regulatory, education and operational mechanisms to permit the legalized practice of midwifery in Saskatchewan.

## **Article 13: Economic and Social Life**

937. The Department of Municipal Government has developed an Equity Checklist to assist groups and individuals assess attitudes and behaviour toward women, people of various ancestry and people with disabilities. The document was distributed throughout the sport and recreation community in Saskatchewan. Saskatchewan Sport Inc. now makes it mandatory (as a condition of lottery grant funding support to its members) that sport organizations institute a policy on harassment.
938. The Department of Economic and Co-operative Development assists communities with the organization of daycare cooperatives throughout the province.
939. The Child Care Program, administered by the Department of Social Services, licenses and regulates daycare centres and family daycare homes and provides subsidies for low-income parents, of whom about 87 percent are single mothers. The Department continues to make incremental improvements to the delivery and funding of the licensed child care sector. There has been a 17 percent increase in expenditures on child care grants and subsidies since 1993-94, and the number of licensed spaces increased by 2.7 percent to 7,124. Since 1992-93, over \$4 million in enhancements has been spent on child care. The Department of Social Services has increased the number of child care spaces and locations available for infants and toddlers of teen mothers attending high school, provided more flexible child care options for rural women, increased the parent subsidy rates for infants and toddlers, and introduced wage enhancement grants (nearly \$1 per hour) for trained child care workers.
940. The Family Health Benefits Program is designed to help families on social assistance to enter the work force without losing child health benefits (including dental services, eyeglasses, medical supplies and appliances, prescription drugs and ambulance services) and assist lower-income working families to ensure that they are not forced to rely on social assistance because of their children's health needs.
941. Through cooperation among the departments of Health and Social Services and the Saskatchewan Housing Corporation, the province initiated Saskatchewan Assisted Living Services for low-income individuals living in senior social housing who require a combination of shelter and supportive services to maintain their independence. In 1995, 74 percent of senior tenants were female and 90 percent were living alone.

## Article 14: Rural Women

942. Efforts to increase on-farm income through development and diversification include encouragement and training for women entrepreneurs. Training programs that are supported by the Department of Agriculture and Food include business management and farm financial management.
943. The Department of Agriculture and Food's Farm Stress Line, supported in part by the Women's Secretariat, offers a counselling and referral service to farm and rural individuals in crisis. Issues often identified include financial pressures, alcoholism, depression and suicide. About half of the calls received annually are from women. Rural women often find themselves in isolated and disadvantaged situations compared to their urban counterparts where emergency services are plentiful and more readily accessible.
944. The Department of Economic and Co-operative Development cosponsored a study on the economic benefits of rural daycare, undertaken by the Centre for the Study of Co-operatives at the University of Saskatchewan. The study described as the status of rural daycare, examined alternatives for daycare provision and recommended a development strategy that was considered in the government's review of child care.
945. The Women's Secretariat has initiated a rural and farm women's project that profiles women's accomplishments and contributions to Saskatchewan's economic and social lifestyle, and provides information of particular importance to these sectors.



## Alberta

### Introduction

946. This Report is the submission for the province of Alberta, covering the period April 1, 1994 to March 31, 1998.
947. The province of Alberta remains committed to enhancing the opportunities of women. Under current fiscal restraint and budget cuts, the Alberta Government will continue to focus on ensuring that all Albertans have the opportunity to participate fully and actively in the economic, social and cultural life of the province and in the decision-making processes that affect their well-being.

### Article 2(e): Equality

948. The Alberta Government will continue to develop appropriate government policies, programs and legislation affecting women.
949. Alberta conducted a public review of its human rights legislation, the *Individuals Rights Protection Act*, which governed human rights protection in Alberta, and the Human Rights Commission, which governs the Act. The final report and recommendations from this review were published in June 1994. The government's response to the recommendations of the Alberta Human Rights Review Panel was published in December 1995 and entitled *Our Commitment to Human Rights*.
950. Key recommendations related to gender equality that were made by the Review Panel and accepted by the Alberta Government were:
- **Recommendation:** That marital status apply to all areas, not just to employment.  
**Government Response:** Accepted. It is important that marital status apply to all areas to provide the best possible protection from discrimination. At present, there is no protection for an individual because of marital status in the area of tenancy or services.  
A landlord may refuse to rent to an individual because of that person's marital status, for example, if the person is separated or divorced.  
A service provider, for example, a repair business, may refuse to provide service which is customarily available to the public because of an individual's marital status. (*Our Commitment to Human Rights*, p. 17)

- **Recommendation:** That compensation in cases of sexual harassment include not only lost wages but also pain and suffering (the psychological effect).  
**Government Response:** Current practice. This is already the current practice. (*Our Commitment to Human Rights*, p. 17)
- **Recommendation:** Endorse the recommendation made by Albertans that the Commission network more with immigrant women's groups to become more sensitive to their concerns.  
**Government Response:** Accepted. Strategic partnerships will allow immigrant women to better express their concerns. (*Our Commitment to Human Rights*, p. 18)
- **Recommendation:** That family status should be added to legislation as a ground on which discrimination is not allowed, and this be applied to all areas.  
**Government Response:** Accepted. There are many familial relationships that would not be protected from discrimination under the ground of marital status. It is clear from case precedent that family status is much broader than marital status. Where family status discrimination is not prohibited, employers, landlords and persons who provide public services are free to discriminate against individuals solely on the basis of family status. Landlord policies of not renting to families with children is one example of family status discrimination. (*Our Commitment to Human Rights*, p. 20)
- **Recommendation:** That the Alberta Human Rights Commission make workplace abuse/harassment a high priority in its educational campaign and take an active role in promoting the principles of dignity and human rights in the workplace. The Commission should network with those agencies dealing with workplace abuse.  
**Government Response:** Accepted. This is part of the educational strategy. (*Our Commitment to Human Rights*, p. 22)

951. The *Human Rights, Citizenship and Multiculturalism Act* was proclaimed in July 1996. Most of the legislative changes arose out of the government's response to the recommendations made by the Human Rights Review Panel in its 1994 report. Protection to Albertans was extended by adding source of income and family status as protected grounds; by expanding the protection offered under marital status; and by expanding religious belief to include Native spirituality. The time limit for filing complaints was extended from six months to one year. The Human Rights Commission became the Human Rights and Citizenship Commission.

952. Through its education program, the Human Rights and Citizenship Commission focuses on equity and fairness in employment. The Commission works in partnership with various organizations to address issues related to women.
953. In March 1996, Canada's provincial premiers (with the exception of Québec) endorsed and released the *Ministerial Council Report* containing 15 principles to guide social policy reform and renewal across Canada, including the following:
- Social policy must recognize and take into account the differential impact social programming can have on men and women.
954. In support of the *Ministerial Council Report*, ministers responsible for the status of women developed *Social Policy Renewal: A Vision for Gender Equity*. The Provincial/Territorial Council on Social Policy Renewal, chaired by Alberta, shared the document with sectoral councils of social policy ministers to be used as the foundation for assessing the gender equity implications of their work.

### **Article 3: Measures to Ensure the Advancement of Women**

955. The purpose of the Alberta Advisory Council on Women's Issues (AACWI) was to provide advice to the Minister responsible for Women's Issues on matters relating to the full participation of women in the life of the province and to provide information to the public. This Council was a citizen's advisory body consisting of a chairperson and up to 14 members. The Act that created the AACWI had a sunset clause built into the legislation. The Advisory Council fulfilled its mandate and was dissolved in fiscal year 1995-96.
956. During 1995-96, AACWI continued to advise the Minister on emerging issues of concern to women. It published two newsletters, met with community groups, and continued to provide an information and referral service to the public. AACWI also published and distributed four reports:
- *Desperately Seeking Certainty* looked at risk assessment and safety planning for women and children who are experiencing violence.
  - *Differential Impact and the Alberta Advantage* encouraged ongoing dialogue between government, business and women, so that women and men may benefit equally from the Alberta economy.



- *A Decade of Challenge and Change: A Review of the Activities of the Alberta Advisory Council on Women's Issues* summarized the Council's activities over the past decade.
- *Breadmakers and Breadwinners . . . The Voices of Alberta Women* summarized the results of a public consultation involving 300-400 rural and urban women from a wide variety of backgrounds, economic and educational levels. The report included six recommendations on structures and methods that would best help women influence government and public policy after the Council's legislated mandate ended.

957. In 1995-96, the Women's Policy and Programs section of AACWI developed an annotated directory entitled *Women's Organization of Alberta*. This directory was developed, in part, to fulfil the networking function formerly undertaken by the AACWI. It was revised and reprinted in the spring of 1997.
958. During the reporting period, the section that dealt with Women's Policy and Programs became part of the Human Rights and Citizenship Branch. In addition to providing staff and services for the Human Rights and Citizenship Commission, staff within this Branch continue to act as consultants within government to ensure that women's perspectives are considered in the development of government policies, programs and legislation.
959. The Human Rights and Citizenship Branch also offers numerous other materials and resources to the public on matters related to women's equality. These include factsheets on human rights legislation and practice, including the topics of gender, maternity and parental leave, employment equity and sexual harassment, among others. The Branch also distributes the *Women's Organizations of Alberta* directory, as well as papers and resources published by the Federal-Provincial-Territorial Status of Women Ministers.
960. As part of its participation in Federal-Provincial-Territorial Status of Women Minister projects, the Women's Policy and Programs area/Human Rights and Citizenship Branch helped to develop and distribute, the following resources in Alberta:
- *Beyond the Violence — Reaching for Higher Ground* (1996) — this resource guide provides an annotated bibliography of provincial and territorial initiatives that are empowering for women, children and youth.
  - *Economic Gender Equality Indicators* (1997) — designed to contribute to public policy discussion on social indicators, an understanding of women's reality and the promotion of gender equality.

961. The Department of Intergovernmental and Aboriginal Affairs (now the Department of International and Intergovernmental Relations) provides funding to Friendship Centres in Alberta. A number of these centres provide programs for women, specifically parenting programs, mom's morning out programs, and women's groups/workshops. A grant of \$7,500 was also provided to the Institute for the Advancement of Aboriginal Women, a non-governmental organization, for the "Gathering Strength" Conference for women held in 1997.

## **Article 5: Elimination of Stereotypes**

962. The Alberta Government's Stepping Stones Role Model Program, coordinated by Women's Policy and Programs and the Human Rights and Citizenship Branch, promotes the idea that career choice is not a gender-linked decision and that every career is an option for women as well as men. Stepping Stones provides role model profiles of real-life Alberta women who work in non-traditional fields. The profiles and other resource materials are available to junior and senior high schools throughout the province. During the time period reported on, a fourth set of role model profiles was developed and promoted with teachers throughout Alberta. Careers profiled in this set included that of rancher, entrepreneur, professional golfer, electrician and mechanic, among others.
963. The Women's Policy and Programs section, in partnership with others, also produced and promoted a resource kit for educators, parents and school administrators called *Raising Young Voices: A Discussion Kit*. The kit addressed issues of gender and equitable practices in the raising of girls and boys

## Article 7: Women in Politics and Public Life

<b>Participation Rates in Parliamentary Assemblies</b>	<b>1993</b>		<b>1997</b>	
Female ministers in the Alberta Legislature	3 of 17	17.6%	4 of 19	21.1%
MLAs (excluding ministers)	13 of 66	19.7%	17 of 64	26.6%
Total (ministers and MLAs)	16 of 83	19.3%	21 of 83	25.3%
<b>Participation in Government</b>	<b>1993</b>		<b>1997</b>	
Female deputy ministers (and senior officials) and assistant deputy ministers	8 of 76	10.5%	14 of 101	13.9%
Female judiciary	29 of 178	16.3%	35 of 180	19.5%

964. Further to the participation in government of women at senior levels of management, the following table provides statistics available for 1997 only. In future reports, comparison data will be provided with 1997 as the baseline year.

<b>Participation Rates in Government at Senior Levels of Management</b>	<b>As of December 1997</b>	
Female deputy ministers and senior officials	5 of 39	12.8%
Female assistant deputy ministers (EM2)	9 of 62	14.5%
Female executive managers, level 1 (EM1)	27 of 199	13.6%
Female senior managers (SMGR)	250 of 1,014	24.7%
Female managers (MGR)	410 of 1,279	32.1%
<b>Total</b>	701 of 2,593	27.0%



## **Article 10: Education**

965. Each year, the Alberta Government provides up to 20 persons Case Scholarships to post-secondary students (mostly women) whose studies contribute to the advancement of women, or whose work is in fields where members of their gender are few.
966. In July 1996, the Multiculturalism Fund was changed by the Alberta Government to become the Human Rights, Citizenship and Multiculturalism Education Fund. Under its enhanced mandate, the Fund provides support for educational initiatives in all aspects of human rights, citizenship and multiculturalism. Many projects have been approved under the Fund that are of specific benefit to women. Examples during the reporting period include funding for conferences on women's issues, projects on sexual stereotyping, and a project on coping strategies for immigrant couples.

### **Article 10(a): Access to Studies**

967. The Alberta Government approves for implementation, at private and public institutions and by private training providers, programs and career development services that are available equally to all adults. The Department of Education collects and publishes information on enrolment and graduates by gender.

### **Article 10(d): Scholarships and Grants**

968. In addition to regular loan, grant, scholarship and bursary programs for students, Alberta offers the Maintenance Grant Assistance Program, established to ensure that students with special needs have the opportunity to acquire degrees. Students are considered for these grants if they do not have normal prospects of completing their education without assistance above that provided under other programs (e.g., single parents, the majority of whom are women).
969. The Skill Development Grant Program provides that normal academic limits may be exceeded based on a student's financial need. Individuals with larger families, including single parents, are the primary recipients.

## **Article 10(e): The Same Opportunities for Adult and Functional Literacy Programs**

970. The Skills Development Program ensures that all Albertans have equal access to a variety of learning opportunities such as adult basic education, English as a second language courses and short-term skills training.

## **Article 11: Employment**

971. The Alberta Government continues to maintain a clear policy against sexual harassment for its employees. The government will not tolerate sexual harassment in the workplace and has in place a Sexual Harassment Training Program, available on request, which consists of a half-day training module which deals with employees' questions and issues in this area.
972. The Alberta Human Rights and Citizenship Commission investigates sexual harassment complaints, disseminates material on sexual harassment, provides speakers on sexual harassment and assists organizations in establishing sexual harassment policy.
973. During the fiscal year 1994-95, the Women's Policy and Programs of AACWI section provided advice and assistance to the Alberta Women in Enterprise Initiative, which was developed in cooperation with the federal government. It is intended to help women entrepreneurs overcome barriers to starting a business.

### **Article 11.1: Taking Appropriate Measures to Eliminate Discrimination in Employment**

974. The Child Care Subsidy Program helps low-income Alberta families with the child care costs for their pre-school children who are attending licensed daycare centres or approved family day homes. The program is operated by Alberta Family and Social Services. Child care subsidies are available to parents who require child care because they are working, attending school, or if the parent or child has a special need. Approximately 84 percent of families receiving child care subsidies are single parents. During this reporting period, the operating allowance was gradually reduced between the period of April 1994 to April 1997.

## **Article 11.1(c): Free Choice of Profession and Right to Training**

975. In September 1996, Advanced Education and Career Development published *Woman Today*, Edition 1. The publication provides women who have not been working outside of the home with pre-career planning groundwork to assist them with organizational skills, time management and career planning. The intended outcome is to assist this audience in achieving greater independence.
976. In March 1998, *Woman Today*, Edition 2 was published. This publication provides information in the area of child care, work alternatives and ongoing learning for women who are entering or re-entering the work force.
977. Albertans have equal access to a wide variety of career development programs and services. All Albertans can access information regarding career development and retraining through Career Development Centres. Funding is available (in the form of loans, grants, scholarships and bursaries) for students to participate in apprenticeships, advanced vocational training and recurrent training on a full- or part-time basis.

## **Article 11.2: Protection Against Discrimination on the Grounds of Marriage or Maternity**

978. The *Human Rights, Citizenship and Multiculturalism Act* prohibits discrimination on the grounds of gender, family status and marital status.

## **Article 11.2(b): Maternity Leave**

979. Under the *Alberta Employment Standards Code*, women employed 12 consecutive months with the same employer are entitled to 18 weeks of unpaid maternity. Leave may begin at any time during the 12 weeks before the estimated date of birth. Employees returning from maternity leave must be reinstated in the same or in a comparable position with earnings and other benefits at least equal to those received when the leave began.
980. Pregnant employees continue to be entitled to be treated like sick employees for the "health-related" portion of an absence during pregnancy, including the post-delivery period. As a result, they are entitled to sickness benefits during the health-related portion of their leave.



## **Article 11.1(f) and 11.2(d): Occupational Health and Safety and Right to Safety in Working Conditions and Special Protection to Women During Pregnancy**

981. An amendment to the *Alberta Radiation Protection Regulation* in 1997 reduced the exposure limit to ionizing radiation for radiation workers during pregnancy to 2 mSv, once pregnancy has been declared.

## **Article 12: Health**

982. Alberta Health and Wellness is in the process of developing a provincial breast cancer screening program. This proposed program would actively recruit women 50-69 years of age where it has been shown that organized screening programs can have a positive impact on the early detection of breast cancer, when women are more responsive to treatment. In addition, women in this age group would be self-referred and not need a referral from their doctor in order to have a mammogram every two years.
983. Alberta Health and Wellness is considering a proposal put forward by the Alberta Cervical Cancer Screening Network for an organized province-wide cervical cancer screening program. Pap smears have been shown to be effective in detecting pre-cancerous cells on the cervix and, therefore, through early detection, treatment can occur to prevent the development of cervical cancer.
984. Sexually transmitted diseases (STDs) remain an important health problem in Alberta, and education programs play a critical role in their prevention. Alberta Health and Wellness has moved from providing direct service to a role of setting provincial standards or benchmarks. As a result, the Population Health Strategies Branch provides ongoing support to the STD prevention education service providers in the regional health authorities. For example, STD print resources on STDs have been made available for use in STD programming throughout the province. Other services include a two-day STD meeting and a semi-annual newsletter which help the educators maintain and increase their knowledge, and create opportunities for collaboration and sharing in the area of STD education.
985. Smoking rates among young women in Canada have been steadily increasing. Data from the 1996 National Population Health Survey indicates that of Canadian women of reproductive age, 29 percent of 15- to 19-year-olds, 35 percent of 20- to 24-year-olds and 33.7 percent of 25- to 34-year-olds are smokers. Fifty-eight percent of women who currently smoke and who responded to Health Canada's survey on smoking in

February 1995, continued to smoke during their latest pregnancy, while 74 percent reported either smoking or being exposed to their partner's smoke.

986. The Alberta Tobacco Reduction Plan, approved and funded in 1998 in the amount of \$750,000, is an innovative, outcome driven response to the need to create a province where the people, economy and the environment are free from the harmful effects of tobacco use. Annual funding was increased to \$1 million in 1999. As set out in the Plan, this multi-faceted comprehensive reduction strategy combines tobacco policy, social marketing, cessation, local action, youth and workplace programs, and media advocacy. The Plan focuses on four key strategic directions: tobacco-free youth, clean indoor air to breathe, health and safety in the workplace, and support for users who want to quit smoking. The Alberta Tobacco Reduction Alliance (ATRA) has been formed to implement the Plan.
987. In the area of prenatal and postnatal health, Regional Health Authorities (RHAs) continue to provide the opportunity for prenatal education and counselling for all mothers and their families if they choose to use the services. Sixty-five percent of women attended some form of prenatal class, ranging from a low of 45 percent among women under age 18 to a high of 75 percent among women between the ages of 30 and 34.
988. Several RHAs provide specially designed programs for women such as offering prenatal classes in languages other than English or incorporating elements of different cultures.
989. Prenatal visits to physicians are intended to monitor the progress of the pregnancy and to ensure that necessary interventions are delivered in a timely manner. Among women over the age of 25, 97 percent have received four or more prenatal visits during the course of their pregnancy. The number of visits was lowest among women under the age of 20 years.
990. Midwifery became a regulated profession in Alberta in 1994. In 1998, the first midwives were registered in the province and began offering services to the public as regulated practitioners with recognized standards of practice.
991. "You're Amazing" was a three-year, province-wide initiative targeted at 18- to 30- year-old parents. This initiative was designed to raise the awareness and understanding of these parents as to the many influences on their health. It provided encouragement to parents and gave them ideas for enhancing the health of their families. "You're Amazing" was an intersectoral effort which included corporate partners.

## **Article 13(a): The Right to Family Benefits**

992. In February 1998, Alberta initiated the Child Health Benefit program, which provides enhanced medical coverage for children in low-income working families. The Benefit covers children's prescriptions, optical and dental services, essential diabetic supplies and emergency ambulance service. The Child Health Benefit supports low-income parents who remain in the work force so that fewer families, including single parents, will require social security benefits.

## **Article 15: Legal Rights**

993. Programs offered for adult and young female offenders are generally offered in co-correctional facilities. This promotes a normalized environment throughout the period of incarceration and provides the comparatively small population of female offenders equal access to a broad range of programs and services which would not be economically feasible to provide in a smaller all-female institution.
994. Co-correctional programs are structured to encourage self-respect, responsibility and positive interpersonal relationships among offenders, in as normal a setting as possible within the limits imposed by incarceration.
995. Those Alberta Correctional Centres that house both female and male offenders are also required to address certain unique needs of females. Programs specifically designed for female offenders, or programs in which females would be uncomfortable participating in the presence of male offenders, are viewed as supplemental rather than as replacements for co-correctional programming. Programming which is offered specifically for females includes Native spirituality, lifeskills, anger management, family violence, substance abuse, education, health care and depression. Not all centres have the resources to offer all of these programs, however every effort is made to address the defined needs of each individual offender.
996. The goals of the programs for female offenders housed in Alberta Correctional Centres are to ensure that the programs are: approached from a holistic perspective; reflective of the social realities of women; supportive of the development of self-esteem, autonomy and the element of personal choice; oriented towards community release; developed and provided in a culturally sensitive manner; and focused on family improvement issues, the development of independent living skills and the resolution of social/psychological issues.
997. The Victims' Programs Assistance Fund (established in 1991) continued to operate throughout the reporting period. Surcharge assessments imposed by the court on those who are convicted under the *Criminal Code*, the *Narcotics Control Act* and the *Food and*



*Drug Act* are deposited into the Fund. Individuals, groups or organizations providing or proposing to provide services to victims of crime may apply for funding. Though not targeted specifically at women, funds have been allocated to women's shelters and sexual assault centres, among other things. Funds total approximately \$500,000 annually.

## **Article 16: Women and the Family**

998. The Office for the Prevention of Family Violence completed its Community Project Funding grant program in 1994-95. Established in 1989 to support time-limited community initiatives that focus on the prevention of family violence, the 1994-95 fiscal year provided \$113,411 to 27 projects province-wide. In total, the Office for the Prevention of Family Violence contributed \$845,781 toward more than 200 projects which supported innovative community-based family violence prevention initiatives.
999. The Office for the Prevention of Family Violence continues to distribute its quarterly newsletter *FOCUS*, which highlights such issues as abused immigrant women, family violence in rural communities and Aboriginal issues.
1000. Throughout the reporting period, the Alberta Government provided over \$9 million in funding for 17 women's emergency shelters, eight rural family violence prevention centres and two second stage housing units. These facilities provide abused women and their children with short-term crisis accommodation for up to seven days. In addition, the shelters and rural family violence prevention centres offer a range of services which are funded by the community and based on community needs.
1001. The Alberta Government's family violence activities are coordinated by the Interdepartmental Committee on Family Violence which is made up of representatives from seven departments.
1002. Both the Office for the Prevention of Family Violence and all four arms of Alberta Justice have worked together actively since departmental "violence initiatives" were introduced in 1990. Justice continues to involve the Office for the Prevention of Family Violence through consultation and delivery of education programs for police, prosecutors and corrections officials, which are offered on an annual basis.
1003. The Alberta Government waived the commencement fee for "stand alone" restraining orders in January 1996. This change ensured that obtaining a restraining order is not an impediment to those at risk who need an order, but who do not have sufficient financial resources to pay the filing fee.

1004. In March 1998, the Alberta Government introduced a bill to protect family members from domestic violence. The *Protection Against Family Violence Act* protects family members from physical violence or the reasonable threat of such violence. The legislation provides for the availability of emergency protection orders on a 24-hour basis through justices of the peace, as well as Court of Queen's Bench protection orders, to safeguard Albertans from family violence. Orders can provide for no contact and can also grant the exclusive right to occupation of the family residence. There are no fees for the filing of protection orders. Furthermore, warrants of entry are available for authorities to search for a family member who may have been subjected to family violence, where access to that family member is being denied.

## British Columbia

### General

1005. This report contains information on government initiatives respecting the elimination of discrimination against women during the period of April 1, 1994 to March 31, 1998. As such, this document is British Columbia's submission to *Canada's Fifth Report on the Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).

### Article 2: Anti-Discrimination Measures

1006. Essentially, there are two overlapping legislative schemes that address the issue of discrimination against women in British Columbia. First, there is the *Canadian Charter of Rights and Freedom* (the Charter). As one of the cornerstones of the Canadian Constitution, the Charter applies to all provinces and territories. Second, British Columbia, along with all the other provinces in Canada, has passed its own human rights legislation designed to promote equality amongst its citizens — *British Columbia Human Rights Code* (R.S.B.C. 1996, c. 210).

### Human Rights Code

1007. Like the Charter the *British Columbia Human Rights Code* (the Code) also prohibits discrimination against women. The essence of the Code is to protect against discrimination in four broad areas: employment; publications; sale and rental of property; and services, facilities and accommodation that are customarily available to the public. In each of these four broad areas, discrimination on the ground of "sex" is strictly prohibited.

### Human Rights Advances in British Columbia

1008. The period 1994-98 witnessed a series of important developments in the human rights scheme in the province. In February 1994, the provincial government commissioned law professor and human rights expert, Bill Black, to conduct a complete review of the British Columbia human rights system. After holding extensive meetings throughout the province, Professor Black submitted his findings in September 1994. In his report, Professor Black recommended a structural and procedural reorganization of the British Columbia Human Rights Council. In short, he advocated a separation of the Council into two distinct bodies — a commission and a tribunal — so there would be a separation of



adjudicative functions on the one hand from educational and advocacy functions on the other.

1009. Effective January 1, 1997, the provincial government adopted the majority of Professor Black's recommended structural and procedural amendments, and the British Columbia Council of Human Rights was replaced by the British Columbia Human Rights Commission and the British Columbia Human Rights Tribunal. As well, a voluntary community-based Human Rights Advisory Council was established as a vehicle to transmit the views of the community to the Human Rights Commission and the Minister Responsible for Human Rights.
1010. The British Columbia Human Rights Commission plays a broad public education role. While their activities are too numerous to list in full, relevant examples of their engagement in advancing women's equality include the commission of a report entitled *Factors Affecting the Economic Status of Older Women in Canada: Implications for Mandatory Retirement*, as well as participation in activities to recognize both the International Women's Day on March 8th and Prevention of Violence Against Women Week, April 16-22.

### **Ministry of Women's Equality**

1011. In November 1991, the British Columbia Government established the Ministry of Women's Equality (MWE), Canada's first and only free-standing ministry dedicated to advancing equality for women. MWE consults, researches, advocates and educates on equality for women, particularly in the areas of economic equality, ending violence against women, and women's health and social justice. The Ministry recognizes the diversity of women in British Columbia by ensuring its policies, programs and services are accessible and responsive to the needs of all women.
1012. As part of its central agency role in advocating for social reform, MWE provides expertise on gender inclusive analysis to other government decision makers so they may determine whether new legislative, policy and program recommendations support equality for women. During the reporting period, the Ministry published a revised *Gender Lens* guide on gender inclusive policy analysis and provided training on its integration into all stages of policy/program development, implementation and evaluation work. MWE also published new editions of *Women Count: A Statistical Profile of Women in B.C.* which includes information relating to women's employment and wages, education, health, experiences of violence, and access to decision making. In a related vein, the Ministry contributed to the development and distribution of *Economic Gender Equality Indicators* to assist in planning strategies to promote economic equality for women. MWE has become the leading agency in a major government strategy to address the issue of

violence against women. The strategy has a three-pronged approach: to stop violence against women; to support women who have experienced violence; and to assist communities in preventing such violence. The Ministry funds community-based intervention services, for example, transition houses, including those with specialized services for Aboriginal women and for women who have mental health or addiction problems. MWE also funds safe homes, second-stage housing, counselling programs, sexual assault and woman assault centres, training programs for direct service providers, as well as counselling programs for abusive men.

1013. In fiscal year 1997-98, MWE had a staff of 81 and a total budget of \$38 million. Of this, \$30.8 million was dedicated to Stopping the Violence initiatives. Stopping the Violence initiatives grew substantially from 1991 to 1997.
1014. In its work to change the behaviours, attitudes and conditions that underline violence against women, MWE undertook a number of activities. For example in 1998, the Ministry hosted two symposiums on the prevention of violence where representatives from many sectors across B.C. worked to identify strategies to address the root causes of violence. MWE also launched, in partnership with the BC Broadcasters Association and other community organizations, a 10-year Live Violence Free public education program, which introduces issues of violence against women and encourages individuals and communities to get involved in preventing such violence. Funding was also provided to publish documents such as *A Safer Future for B.C. Women*; *Keeping it Safe — Women at Work*; *No Means No*; and *Are You Being Stalked?* These publications deal with broad issues such as prevention of violence against women, developing safe workplaces, date rape and criminal harassment.
1015. The provincial government has implemented other measures to increase women's safety, including the implementation of the Violence Against Women in Relationships (VAWIR) policy which places proactive responsibility on the police to arrest (and the Crown to prosecute) alleged abusers. Other examples of women-centred anti-violence programs include the provision of 911 cellphones to women considered at extreme risk of relationship violence in nine of the province's communities. MWE also supported the creation of a central Protection Order Registry established by the Ministry of Attorney General to enhance women's safety by facilitating the protection of restraining orders and peace bonds and allowing police access to civil and criminal enforcement orders 24 hours a day, seven days a week. Finally, MWE was active in seeking a declaration of two province-wide weapons amnesties to bring attention to the misuse of firearms, spousal homicides, and the use of weapons in threats, coercion, and physical and sexual assaults against women. In these two initiatives alone, nearly 5,000 firearms and more than 198,000 rounds of ammunition were voluntarily surrendered.

## **Articles 3 and 7: Measures to Ensure the Advancement of Women and Women in Politics and Public Life**

### **Political Rights**

1016. The right to vote in a federal election is constitutionally guaranteed in s. 3 of the *Canadian Charter of Rights and Freedoms*.
1017. British Columbia also guarantees the right of all citizens over the age of 18 to vote in provincial and municipal elections pursuant to the *Election Act* (R.S.B.C. 1996, c. 106, s. 29).
1018. Further information on the protection of political rights can be found in British Columbia's contribution to *Canada's Fourth Report on the International Covenant on Civil and Political Rights*.

### **Participation of Women in Leadership Positions Within Government**

1019. During the reporting period, MWE worked to expand opportunities for women to participate in decision making by advocating for gender equity in government boards, commissions and planning bodies. In March 1998, women made up 45 percent of such appointments, compared to approximately 25 percent in 1991.
1020. In addition to advocacy on the part of MWE the British Columbia Government's Employment Equity Program is designed to ensure greater representation of women in management level positions within the public service. Substantial inroads have been made in encouraging the promotion of women within the public sector.

### **Publicly Funded Child Care**

1021. The British Columbia Government funds a variety of child care services and systems. As women typically take on the primary responsibility for child care, these provisions can potentially provide them with greater access to training and jobs. An annual budget of \$188 million is used to support a number of child care-related programs, including the Child Care Subsidy Program, which provides financial support for low-income families to pay for child care. The budget also supports the Compensation Contribution Program, which assists group child care programs to attract and keep staff by supplementing the wages of child care providers. The monies also support the Infant/Toddler Incentive Grant program, which helps licensed family child care providers cope with the extra costs associated with the care of infants and toddlers. The government funds the Emergency Repair, Replacement and Relocation Grant program to help child care facilities maintain



safety standards and retain child care spaces. Finally, through this allocation of \$188 million, the government funds local non-profit associations through the Child Care Resource and Referral programs to enable these organizations to provide training, support, resources and referral services for child care providers and parents in more than 170 communities in the province.

## **Article 4: Temporary Special Measures**

1022. The *Human Rights Code*, s. 42, permits employment equity programs which seek to improve the participation of disadvantaged groups in the work force, including women.

## **Article 5: Elimination of Stereotypes**

### **Modifying Social and Cultural Patterns to Eliminate Prejudices**

1023. Some of the measures implemented to eliminate sex role stereotyping and prejudice include the production of a video and discussion guides, entitled *Raising Young Voices*, which examine the impact of gender socialization on the self-image and aspirations of young women. The kit was developed for parents, teachers and school administrators. Government funding was also provided for community-based projects that promote positive body images for young women, as well as programs aimed at increasing fitness and recreation opportunities for young girls. Finally, funding was provided to non-profit societies through the provincial Information, Science and Technology Agency's "Partners in Science Awareness" campaign to undertake projects to increase women's and girls' interest in science and technology-related career opportunities.

### **Family Education**

1024. The importance of maternity as a social function and recognition of the common responsibility of men and women in the upbringing and development of their children is highlighted in legislation such as the *Human Rights Code* and the *Employment Standards Act*. The *Human Rights Code* protects women's right to breastfeed their children both at work and in public places. In the Code, both s. 8 (which deals with discrimination in public services and facilities) and s. 13 (which deals with discrimination in employment) prohibit discrimination on the basis of sex. This prohibited ground would extend to include women who wish to breastfeed.

1025. In terms of protections in the realm of employment, Part Six of the *Employment Standards Act* offers significant safeguards to working women by providing legislatively sanctioned pregnancy, parental and family responsibility leaves.

## **Article 6: Trafficking of Women and Prostitution**

### **Interministerial Assistant Deputy Minister Committee on Prostitution and the Sexual Exploitation of Youth**

1026. In 1994, an interministerial Assistant Deputy Minister Committee on Prostitution and the Sexual Exploitation of Youth (the ADM's Committee) was created. The ADM's Committee is comprised of representatives from nine provincial government ministries who meet on a regular basis to ensure that there is an integrated provincial approach to sexual exploitation and prostitution. The ADM's Committee has developed and continues to improve a province-wide government response that combines both enforcement efforts and social supports. The ADM's Committee also provides funding support to a small annual grant program (\$5,000 per project) for community action teams and other organizations to address the sexual exploitation of youth and other prostitution-related issues at the local level.

### **Provincial Action Plan on Prostitution**

1027. In an effort to further the work of the ADM's Committee, the Province of British Columbia developed a Provincial Action Plan on Prostitution in 1995. The objectives of the Plan are to respond to the needs of sexually exploited youth, to prevent recruitment and sexual exploitation of youth and women through prostitution, and to address violence against women in the sex trade.

### **Provincial Prostitution Unit**

1028. One of the Plan's recommendations was the creation of a Provincial Prostitution Unit, which was implemented in 1996. The Provincial Prostitution Unit is made up of a team of three police officers, a community coordinator, a Crown Counsel and a social worker who work together with communities across British Columbia to develop integrated prevention, education, enforcement and intervention strategies for addressing local problems. The Unit has trained police, judges and the Crown on the dynamics of prostitution and sexual exploitation of youth, as well as advocating enforcement strategies which focus on the pimps and adults buying sex rather than on the sex trade workers themselves. In addition, the Unit assists police agencies with enforcement operations around the province, and provides advice, assistance, and education workshops to other service providers, youth and caregivers.
1029. In a relatively short time frame, the Provincial Prostitution Unit has assisted with the establishment of 17 Community Action Teams across the province and provides support to these teams. The Action Teams consist of provincial and municipal government

representatives, service providers, youth, caregivers, and other concerned individuals who work together at the community level to address prostitution-related issues.

1030. The Provincial Prostitution Unit is also concerned with the larger question of the international trafficking of women. During the reporting period, the Unit began exploring ways to address the problem of trafficked women and children who end up in British Columbia. The work of the Unit with respect to the global trafficking of women is strongly supported by the British Columbia Ministry of Attorney General. Discussions have already taken place between the British Columbia Ministry of Attorney General and the federal Minister responsible for Immigration in an attempt to develop a coordinated nation-wide response to this issue.

## **Prevention and Awareness**

1031. Recognizing that many adult prostitutes entered the sex trade as children or youth, British Columbia has implemented a variety of prevention and awareness initiatives. Some of the relevant initiatives include: a province-wide poster campaign aimed at raising awareness about the sexual exploitation of children and youth; the development and distribution of a resource package, entitled *Being Aware, Taking Care*, for individuals and groups to assist communities, parents and schools in addressing the sexual exploitation of youth; and the establishment of a youth drama group that facilitates workshops focusing on the issue of the sexual exploitation of youth.

## **Funding**

1032. Each year, the British Columbia Ministry of Attorney General spends approximately \$1,000,000 to address the issues of prostitution and the sexual exploitation of youth. This financial commitment provides funding to a variety of different services and programs including the Provincial Prostitution Unit, two street outreach workers and prevention/awareness programs.
1033. The Ministry of Women's Equality (MWE) provides funding through its program A Safer Future for B.C. Women to the Global Alliance Against Trafficking in Women (GAATW), an organization which examines the issue of trafficking women in Canada with the goal of developing strategies to address and prevent such trafficking. The Ministry also funds Prostitutes Empowerment, Education and Recovery Society, an organization comprised of current and former teenaged prostitutes which reviews government policies and services that affect teenaged prostitutes in order to provide feedback to government.



## Article 10: Education

1034. The Government of British Columbia has implemented a number of programs and services to provide girls and women equal access to training and education opportunities. For example, the Ministry of Education has a Gender Equity Program which has a mandate to improve opportunities, access and support for all girls and women in the province's education system by promoting the principles of gender equity. Specifically, the Gender Equity Program targets teacher education, curriculum development, learning resources, district policy and classroom practice.
1035. The largest component of the Gender Equity Program is the provision of grant support for projects throughout the education system. Individuals, organizations and districts have developed appropriate curriculum outlines, learning resources, conferences, research and district policy.
1036. Another important initiative designed to promote gender equity in education was the decision to freeze tuition fees for colleges and universities in the province. Tuition fees have remained frozen since 1995, thus affording more women the opportunity to access post-secondary education.
1037. A third initiative was the creation of the provincial Industry, Training and Apprenticeship Commission. The Commission has a mandate to increase women's representation in apprenticeship programs. Equity initiatives undertaken with business, labour and education are designed to bring the proportion of work-based training positions held by women, Aboriginal people, visible minorities and other disadvantaged groups in line with their share of the provincial population.
1038. In addition, the government established a number of bursaries and funding programs in order to encourage women's enrolment in programs traditionally dominated by men.
1039. Other initiatives undertaken to improve education and training opportunities for women include building an employment equity component into large infrastructure projects, such as the Vancouver Island Highway Project to ensure that women and other equity groups receive adequate employment and training opportunities. Equity initiatives on the highway project included active recruitment from the communities along the highway, as well as equity, diversity and harassment training. Female applicants were eligible to receive training that allowed them to work on the highway project in such areas as labouring, heavy equipment operations and truck driving.
1040. Within government itself, bridging programs have been developed in order to support the advancement of women into more senior positions. For example, Opportunities '90s,

sponsored by the Ministry of Transportation and Highways, enabled finance or administration employees (mainly women in clerical positions) to sample a job in a technical field before committing to training and competition.

1041. Finally, the Government of British Columbia funds the B.C. Benefits initiative with a view to helping low-income women to either remain in or return to an employment situation. Two related programs — Youth Works and Welfare to Works — offer a variety of job search and skill development services.

## **Article 11: Employment**

1042. The provincial government is committed to closing the wage gap between women and men in British Columbia and to making the workplace more responsive to women's needs and circumstances. For example, since 1992, the government has increased the minimum wage by \$2.15 an hour, making it \$7.15 per hour as of April 1, 1998 — providing a boost for British Columbia's 90,000 minimum wage earners, about 60 percent of whom are women. Also since 1992, there have been \$123.4 million in wage increases for low-paid workers in the health and social services sector, again most of whom are women. In addition, \$86 million in pay equity adjustments for women in the public sector helped to set a standard for women to receive equal pay for work of equal value.
1043. The fifth reporting period has witnessed a number of changes to employment and labour legislation. Changes to the *Employment Standards Act* extend coverage to live-in domestic workers to prevent unfair working conditions. A new Regulation under the Act requires employers to register domestic workers with the Employment Standards Branch and clarifies the rights of the worker and the obligations of the employer.

## **Article 12: Health**

1044. The British Columbia Women's Hospital and Health Centre was established in 1994 to provide a broad range of women's health services. For example, services are provided in the areas of: osteoporosis; infertility; recurrent pregnancy loss; sexual health; contraception; abortion services and counselling; midwifery; prenatal diagnosis; comprehensive pregnancy care; breast health; HIV/AIDS; residential and non-residential women's addiction centres; cervical screening programs for Aboriginal women; community education on women's health issues; and emergency sexual assault treatment.
1045. Also during the reporting period, the Women's Health Bureau was established within the Ministry of Health. The mandate of the Bureau is help the Ministry of Health to promote a health care system that is responsive to the unique needs of women and to enhance

understanding of women's health care issues among government and health care providers.

1046. To bolster the government's goal that the health care system be made more responsive to women's needs, the Advisory Council on Women's Health was established. The Council advises the Minister of Health on key health issues for women in order to fashion methods and systems to improve the health and well-being of women, their families and communities.
1047. In addition to the initiatives of the Ministry of Health, the Ministry of Women's Equality (MWE) also advocates for improvements in the health care system for women. For example, MWE advocated for strong representation of women in regional health authority organizations. In British Columbia, 54 percent of the 583 members of government-appointed regional health boards and community health councils are women. Twenty-three percent of chief executive officers — the most senior health care officials for the health authorities — are women. The Ministry has also worked with the newly-created B.C. Centre of Excellence for Women's Health in identifying the social determinants of health and articulating the features of women-centred health care.
1048. In this reporting period, the government has sought to strengthen women's choices with respect to reproduction. With respect to the provision of abortion services, the government has instituted additional provisions to ensure the safety of both providers and women seeking those services. In 1995, the government introduced the *Access to Abortion Services Act* which created four "bubble zones" around facilities that provide abortion services as a proactive measure to address safety concerns.
1049. There are now also more choices available to women with respect to childbirth. Changes to government policy make midwife-assisted births a legal option for healthy women with normal, low-risk pregnancies. In order to assist women to exercise this choice, the College of Midwives of British Columbia registers midwives who are available to provide this service.
1050. Other programs and services include the Screening Mammography Program of British Columbia operated by the province's Cancer Agency and funded by the Ministry of Health. The Program operates 24 screening centres and four mobile services throughout the province. British Columbia was the first jurisdiction in North America to introduce a government-funded mammography screening program.
1051. As well, the government established the Aurora Centre for the research and treatment of women's addiction problems at British Columbia's Women's Hospital and Health Centre. The centre includes 25 residential beds and 10 day treatment spaces. It is also the home of



two provincial consultants on prevention and early intervention in fetal alcohol syndrome (FAS), as well as a provincial research consultant on women and addiction.

1052. At the same time, the government has provided additional funding to ensure that addiction programs for women were extended to all regions of the province. Other government-supported addiction services include withdrawal management, outpatient, residential and support recovery.
1053. During the reporting period, the government has introduced a number of programs directed at Aboriginal women and low-income women. The services aimed at improving the health of Aboriginal women include: health education services specifically designed for First Nations women; 96 addictions/mental health programs; a number of Pregnancy Outreach programs; and FAS/Effects programs.
1054. The programs targeting low-income women include providing pharmacare health benefits. In this program, the Ministry of Health will reimburse 100 percent of the costs of prescriptions over the \$600 deductible.

## **Article 13: Economic and Social Life**

### **Economic Rights**

1055. Women and men in British Columbia have equal rights to take out bank loans, mortgages, and other forms of financial credit. Women can pursue these financial services alone without the consent of their husbands or fathers.
1056. The Government of British Columbia is seeking to advance beyond this formal equality between men and women towards substantive equality between the sexes. In recognition of the particular challenges women face in achieving substantive economic and social equality, the province initiated a number of legislative changes during the reporting period. For example, changes to the *Pension Benefit Standards Act* have enhanced economic security provisions for women by legislating pensions for part-time workers, portability of plans between different employers, shorter vesting periods and minimum survivor benefits requirements. In addition, legislation governing the Workers' Compensation Board (WCB) extended survivor benefits (retroactively) to all surviving spouses, regardless of current marital status, to make more survivors eligible for benefits, therefore increasing their financial security. Workers' coverage was also extended to banking, office and domestic employees as well as to farm workers.
1057. Advances were also made on the policy side as well. For example, the MWE helped develop public education programs, such as *Money Smarts for Young Women* and *Starting*

*Your Own Business: A Resource Guide for Women*, to empower young women to take greater control of their financial future and to provide basic information, checklists and contacts for those wanting to start their own business.

## **Social and Cultural Rights**

1058. With respect to social and cultural rights, women in the province share equal rights with their male counterparts to participate in recreational activities, sports and cultural activities. As previously mentioned under Article 5, the Government of British Columbia actively funds programs to bolster women's and girls' participation in sport and other recreational activities.

## **Article 14: Rural Women**

1059. MWE has taken on a leadership role in order to ensure that women's voices are heard and that they have access to the services they need in their own communities. In the first instance, the Ministry provides a regional presence throughout the province. Twelve regional coordinators in seven regions work with community agencies to support effective regional delivery of Ministry programs in all areas of British Columbia. Second, MWE supports initiatives such as training for direct service providers to increase the skills needed to support women who have experienced violence. In all, training was provided for professionals in more than 300 direct service workers in over 90 agencies in rural and urban communities across the province. Third, 38 women's centres located in both rural and urban centres receive operational funding to provide women with support services such as information and referral, support groups, advocacy, job entry programs, pre-employment training, child care services, crisis counselling, housing registries, clothing exchanges and subsidized meal programs. Finally, MWE supports seven Violence against Women Community Coordination Programs which provide input and leadership to their local Violence Against Women in Relationships Coordination Committees. Committee members represent the justice system, health, education, women's services and other related organizations.

## **Article 15: Legal Rights**

### **Equality of Women Before the Law**

1060. Both Canada and the province of British Columbia accord women equality before the law. The *Canadian Charter of Rights and Freedoms* attaches to any government actor or act, including any law or regulation in any jurisdiction in Canada. Section 15, the equality provision, guarantees women the "right to equal protection and equal benefit of the law." The importance that Canada places on the equality between men and women is further

supported by s. 28 of the Charter which states that "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons."

1061. Women in British Columbia may serve as lawyers, Crown prosecutors and judges. They are often called as witnesses and, of course, routinely serve on juries. In terms of jury selection, it is the sheriff in a given community who assembles a list of possible jurors. This list is generated by randomly selecting people from elections lists, as well as from First Nation band lists.
1062. In response to the 1992 Law Society of British Columbia's report, *Gender Equality in the Justice System*, the Ministry of Attorney General established the position of Gender Equity Special Advisor with the responsibility to report to the Deputy Minister. The Law Society's report included approximately 100 recommendations in eight areas: women in the legal profession; the treatment of women in the courts; family law; civil law; the justice system's response to violence against women; women as offenders; employment; human rights and immigration; and education. The Gender Equity Special Advisor's role was to ensure that government fulfilled its commitment to implement these recommendations. The *Towards Justice for Women* annual status reports document implementation efforts in these areas. By 1997, the Gender Equity Special Advisor had completed her role, and the principles of gender equity had been fully integrated into all aspects of the justice system in British Columbia.

### **Equality of Women in Civil Matters**

1063. Women have the same legal rights as men to enter into contracts and to acquire or hold property. No distinction is drawn on the basis of gender in terms of anyone's legal capacity.
1064. Please refer to British Columbia's submission to *Canada's Third Report on the International Covenant on Economic, Social and Cultural Rights* for further information on the protection of civil rights that has not been included in this report.

### **Private Contracts Restricting Women's Legal Capacity**

1065. Research has not revealed any evidence to suggest that people are entering into contracts or other private instruments which attempt to limit women's legal capacity in British Columbia. It does not appear to be a live issue in this jurisdiction.



## **Mobility Rights**

1066. Mobility rights are constitutionally guaranteed in s. 6 of the *Canadian Charter of Rights and Freedoms*. Specifically, s. 6 provides that:

“6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

“(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

“(a) to move to and take up residence in any province; and

“(b) to pursue the gaining of a livelihood in any province.”

## **Article 16: Women and the Family**

1067. The *Family Relations Act* (FRA) provides that on marriage breakdown, a dependent spouse may claim spousal support from the other spouse. This also applies to unmarried couples who live together for at least two years before separating, if the claim is made within one year of when they stopped living together. In determining whether to make an order, the court must look at the following: the role of each spouse in their family; an express or implied agreement between the spouses that one has the responsibility to support and maintain the other; custodial obligations; the ability and capacity of (and reasonable efforts made by) either or both spouses to support themselves; and economic circumstances.

1068. The FRA also provides that upon marriage breakdown, the spouses are entitled to an equal division of family assets, unless they agree (or the court orders) otherwise. These provisions also apply to unmarried couples who make an agreement.

1069. The FRA says that the mother and father of a child are joint guardians of the child as long as they live together, regardless of whether they are married to each other, unless a tribunal of competent jurisdiction orders otherwise. If the parents separate, they remain joint guardians of the estate of the child, and the parent who usually has care and control of the child is the sole guardian of the person of the child, unless a tribunal of competent jurisdiction orders otherwise. Under the FRA, each parent is responsible for the financial support of his or her children. The court must give paramount consideration to the best interests of the children when making, varying or rescinding an order for custody, access or guardianship.

1070. Under the *Adoption Act*, a child may be placed for adoption with one adult, or two adults jointly. The paramount consideration in adoption is the best interests of the child.
1071. The British Columbia *Marriage Act* provides that a marriage licence must not be issued to a minor in the province (a person under 19 years of age) nor a marriage solemnized, unless the minor has the written permission of his or her parents. If the minor is under 16 years of age, a court order is required authorizing a licence to be issued and the marriage to be solemnized. A marriage solemnized in British Columbia must be registered as provided under the *Vital Statistics Act*.





## **PART IV**

### **Measures Adopted by the Governments of the Territories**

## Northwest Territories

### Article 2 : Anti-Discrimination Measures

1072. During the period of this report, there were several working groups looking at the issues surrounding child support and the rights of women and children in territorial legislation. The work of these groups lead to significant changes in legislation which was drafted and tabled during the reporting period, and brought into force in late 1998. This legislation included the *Family Law Act*, *Children's Law Act*, *Child and Family Services Act* and *Adoption Act*. One of the effects of this legislation was to eliminate the distinction between women in common-law relationships and married women in the areas of support, division of property and the adoption.

### Article 3 : Measures to Ensure the Advancement of Women

1073. During the reporting period, the Department of Health and Social Services continued to provide financial support to women's shelters and family violence prevention programs. Additional support was also provided by facilitating tele-conferences, territorial meetings and training opportunities.
1074. In 1995/96 funding was provided to the Status of Women Council of the Northwest Territories (NWT) to develop *Dark to Light: Regaining a Caring Community* workshop manuals. These plain language facilitation guides for care givers were used in community workshops, with topics such as spousal abuse, child sexual abuse, sexual assault, healthy relationships, parenting skills and abusive men support groups.
1075. The Departments of Justice and Health and Social Services funded the Status of Women Council of the NWT to produce six public service announcements (PSA's) aimed at preventing abuse. The PSA's were entitled *There's No Excuse for Abuse*. Topics included spousal assault, alcohol and drug abuse, child abuse, sexual harassment, sexual assault and elder abuse. The PSA's were translated into Aboriginal languages and shown on CBC North and Television Northern Canada. They were also recorded on audio tape and distributed to local radio stations.
1076. In 1995/96, Health Canada provided funding to the NWT Seniors' Society for a series of televised PSAs for seniors, as well as elder abuse workshops. The PSAs were produced in English and two Aboriginal languages and were aimed at seniors in remote communities

across the NWT. The workshops, which focussed on elder women's rights and the identification forms of abuse, were delivered in various communities across the NWT.

1077. In 1997, the Department of Health and Social Services provided approximately \$17,000 to produce a series of posters based on the theme *A World Without Abuse*. This promotion against abuse was produced and translated into all official languages of the NWT. These posters were widely distributed across the North.
1078. The Status of Women Council for the NWT collaborated with the Northern Women's Human Rights Committee in the production and distribution of *NWT women And Human Rights Fact Sheets* (1997) and *Human Rights for All* video (1998), to raise public awareness of human rights and the need for improved human rights remedies in the NWT.
1079. The Status of Women Council annually produces and distributes public information kits concerning Take Back the Night, the National Day of Remembrance and Action on Violence Against Women, and International Women's Day. The Council carries out activities to raise the profile of Northern women and celebrate their accomplishments, including the Wise Woman Awards, which honour women who are role models and advance the well-being of women and families in their community. In 1998, the Council produced a two year calendar, *Honouring Our Women of the NWT*, which included biographies, photographs and testimonials from many NWT women.

## **Article 4: Temporary Special Measures**

1080. During the reporting period, the number of women in non-traditional roles in the public service remained constant at approximately 13 percent.
1081. In 1994, a pilot program which provided mentoring for women, entitled *Women in Transition*, was concluded. During this same year, a review of the Government's Affirmative Action Policy was commenced.

## **Article 5: Elimination of Stereotypes**

1082. In 1994/95, the Department of Justice undertook several projects to educate the public on the joint responsibility of parents to support their children. These projects included the development of posters and pamphlets as well as a comic book for use in high schools. These materials were produced in three languages. The Department also produced a 28 minute video in English and Inuktitut which addressed various child support issues.



1083. During the reporting period, the Department of Justice continued to collect and process child support payments through the Maintenance Enforcement Program. In 1997, an additional Maintenance Enforcement Officer position was created to assist with the growing number of child support files being opened.
1084. In 1997, a Family/Civil Law Information Officer position was created within the Department of Justice. The role of this position was to identify the need for materials to explain the child support laws and court process as well as to provide information to persons seeking assistance with the civil justice system. A toll-free telephone line was put in place so that persons could access information on child support free of charge.

## **Article 7: Women in Politics and Public Life**

1085. During the reporting period, the number of women in management in the NWT public service remained constant at about 27 percent, even though there was a 16 percent reduction in the size of the public service.
1086. The Status of Women Council and the Native Women's Association of the NWT collaborated for several years to ensure that women had input into the development of a new constitution for the NWT. In 1994, this included a women's constitutional conference. In 1995, a report entitled *A global and Western NWT Perspective on Guaranteed Representation Based on Gender Equality* was produced. In 1997, the Council and the National Inuit Women's Association produced and distributed public education material on the proposed gender parity proposal for the Nunavut Legislative Assembly.

## **Article 10: Education**

1087. In 1994, the Status of Women Council and the Canadian Congress for Learning – NWT released a report entitled *Adolescent Girls in the NWT: Academic Preparation and Career Planning*, which addresses the attitudes and participation of female students in math, science and related careers.
1088. In 1996/98, North of Sixty Women in Trades and Technology and other organizations piloted Construction Technology for Women as a fully accredited high school program to introduce female students to careers in construction technology. This program has since become a regularly offered course.

## Article 12: Health

1089. In 1994/95, a three year project was concluded which saw collaboration between the Department of Health and Social Services and the Status of Women Council on issues related to women's health. These issues included the use of Depo provera (a birth control drug) and the development of a discussion paper entitled the *Mental Health Problems and Needs of Canadian Aboriginal Women* and the Abortion Services Review Report. In the second phase of the project, the partnership expanded to include the Yellowknife YWCA, the Native Women's Association of the NWT and the Canadian Cancer Society/NWT Unit. A wide variety of public health education materials were produced during the two phases of the project. First phase materials included pamphlets, videos, free condom kits and PSAs. The materials addressed the issues of self esteem for adolescent women, a northern version of *Yes you Can* on the prevention of breast and cervical cancer and a poster promoting the use of traditional knowledge in pre-natal care.
1090. In 1997, a needs assessment report, *Breast Cancer in the NWT: the Voice of Survivors* was produced by the Status of Women Council. As well, a breast health manual for community health centres and booklets in 11 languages were produced.
1091. In 1994, after regional consultation and consultation with women's groups, the Department of Health and Social Services provided funding to produce a variety of promotional material including pamphlets, a video and PSAs as part of the NWT Women's Health Project. While the promotional materials were aimed at all women, special attention was given to reaching women aged 15 to 25 regarding sexually transmitted diseases. The materials were produced in three languages.
1092. In February 1997, routine pre-natal screening for HIV/AIDS became policy as part of a comprehensive prevention strategy. With the support of NWT physicians, the Government of the NWT has promoted an "opt out" strategy to HIV/AIDS screening. This means that women are automatically screened, unless they indicated that they do not want to be. This approach was adopted to prevent pre-natal transmissions and better diagnose existing infection.
1093. In February 1998, HIV/AIDS workshops were held in the Women's Correctional Centre in Fort Smith and the Baffin Correctional Centre in Iqaluit. The workshops, in both English and Inuktitut, reinforced harm reduction messages and a peer counseling approach.

## Yukon

### Introduction

1094. This Report is the submission for the Yukon Territory, covering the period from April 1, 1994 to March 31, 1998.

### Article 3: Measures to Ensure the Advancement of Women

1095. The *Human Rights Act* states among its objectives the advancement in Yukon of a public policy that every individual is free and equal in dignity and rights, as well as the promotion of recognition of the inherent dignity and worth, as well as equal and inalienable rights, of all members of the human family.

1096. In the fall of 1998, amendments to the *Maintenance and Custody Enforcement Orders Act* and the *Family and Property and Support Act* changed the definition of spouse to include both common-law and same-sex couples, thus ensuring that the provisions of these Acts apply equally to all families.

1097. The Yukon Women's Directorate has developed a statistical database of women in the territory, *Counting Us In: A Statistical Profile of Yukon Women*, a Women's Directorate publication, was released on April 12, 1999, and launched Gender Equity Awareness Week. The document compiles data from a variety of sources and provides sex-desegregated information on the lives of Yukon women and men. It is a tool to help government decision makers and policy analysts use gender-based analysis.

1098. From 1994 to the present, the Women's Directorate has been undertaking research, policy development and public awareness on issues such as family violence, economic security, pension reform, poverty, balancing work and family, gender equity, sexual assault and women abuse, and issues specific to Aboriginal women, young women and older women.

1099. In 1997, the Yukon Government introduced the *Crime Prevention and Victim Services Trust Act*, which establishes a trust and a framework for its administration. The Trust funds community-based projects and programs directed at crime prevention and victim services. It is one of several pieces of legislation that encourage the community to become involved in finding solutions to serious concerns such as violence against women.



1100. In 1997, the *Family Violence Prevention Act* was introduced. This legislation focuses on the victim by offering three protective court orders that provide several ways in which victims can seek help: an Emergency Intervention Order, a Victim's Assistance Order and a Warrant of Entry.
1101. In the role as co-chair of one of the Federal-Provincial-Territorial Status of Women Senior Officials Working Groups, the Director of the Yukon Women's Directorate co-facilitated the Québec City Task Force three-day meeting to build a strategic framework (in French and English) on Preventing Violence Against Women, which was released by the Federal-Provincial-Territorial Status of Women Ministers at their annual meeting in Charlottetown, Prince Edward Island in July 1999.
1102. *Options, Choices, Changes*, a resource for women who are in abusive relationships, was released in Yukon in May 1999 during Sexual Assault Prevention Month. This resource had been adapted from the Nova Scotia Status of Women's Council.
1103. Since 1996, the Women's Directorate and the Youth Achievement Centre, Health and Social Services have organized the Young Women of Grit program. This program is a three-week adventure-based, outdoor leadership program designed for young women aged 13-18 who are working towards positive change in their lives. Activities include rock climbing, and an 11-day canoe trip. Group sessions include team building, discussions on self-image, trust and cooperation, anger management, goal setting, problem solving, gender equity and healthy relationships. In 1995, the first such program ran as Women of Grit, for women experiencing hardship, violence or other stresses in their lives.
1104. *An Act to Amend the Human Rights Act* was passed in the fall of 1998 prohibiting discrimination based on source of income when seeking accommodation, applying for work, using a public facility or assessing a public service.
1105. The Yukon Human Rights Commission celebrates December 10 (Human Rights Day) and March 21 (Elimination of Racial Discrimination Day) by holding candlelight marches, circle ceremonies, sponsoring film festivals and holding open houses. The Commission sponsors community events through their Community Grant program where any person or group in Yukon can apply for funding to help offset the costs of a human rights project in the territory. The Commission requests that the Commissioner of Yukon proclaim December 10th as Human Rights Day in Yukon and advertise it in the newspaper.
1106. The Yukon Government worked with interdepartmental committees to develop the government's Anti-Poverty Strategy, Youth Strategy and Older Persons Strategy in 1998.

1107. In 1997, *In Other Words: An Inclusive Language Guide* was released to help government workers communicate in ways that reinforce the full participation of all people. It was designed to help those working in communications and policy to incorporate inclusive language in all program and policy development.
1108. Since 1996, in collaboration with the Regional Red Cross Society and the Royal Canadian Mounted Police (RCMP), the Women's Directorate co-chaired the Yukon Regional Advisory Abuse Prevention Services Program Committee. This is a Red Cross program coordinated and delivered in the Yukon. In the first two years, over 1,000 students received educational information on abuse and over 20 volunteers were trained.
1109. In 1995, *A Cappella North — A Survey of Teenage Girls in the Yukon* was released. The report included focus group discussions with over 200 young women. This document has proven invaluable both within and outside of government in developing initiatives to improve the quality of life for young women in the territory.
1110. In response to concerns expressed in the *Talking About Crime Committee Report*, a territory-wide consultation, in 1995 the Yukon Government initiated a crime prevention strategy called Creating Safer Communities. Issue papers on topics such as family violence, property-related crime, youth crime and offender management were released by an inter-departmental committee comprised of the departments of Justice, Health and Social Services, Education, Community and Transportation Services, the Women's Directorate and the RCMP.
1111. The Directorate co-chaired a Federal-Provincial-Territorial Status of Women Working Group on Violence Against Women in 1995. Projects included the bringing together of communications and information officers from across the country to a seminar and producing a document entitled *Beyond the Violence: Reaching for Higher Ground*. The Directorate also produced the third edition of *A Yukon Directory of Services and Resources*.

## Article 5: Elimination of Stereotypes

1112. In 1998, the Government of Yukon's Department of Health and Social Services introduced the Healthy Families Initiative. This Initiative promotes parent-child bonding and attachment, as the quality of this interaction has been proven to play a significant role in positive outcomes for children. The program promotes positive parenting practices and child rearing, and assists families to create a safe and stimulating early childhood environment that encourages school readiness. The Healthy Families Initiative provides a long-term service (from three to five years) which helps families deal with new issues as children develop and as family circumstances change.

## Article 6: Trafficking of Women and Prostitution

1113. In December 1997, the Department of Health and Social Services passed legislation to implement the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. The Hague Convention is consistent with Article 21 of the *Convention of the Rights of the Child*, which was passed by the United Nations in 1989. The legislation protects against illegal traffic in children through private adoption for purposes of organ retrieval, child prostitution and child pornography.

## Article 10: Education

1114. Through the Family and Children's Branch, the Department of Education works to ensure the health and well-being of families. Programs within the Branch have received additional resources in order to identify problems leading to family breakdown and child abuse/neglect, prevention and support services to prevent harm to children, and the development and provision of information on healthy family functioning and the indicators of abuse/neglect to community and professional groups.
1115. Information and advice on family planning is available to women throughout Yukon by Community Health Nurses, the Whitehorse Health Centre and local physicians.
1116. In May 1996, the Gender Equity in Public Schools Policy was developed by an inter-agency committee and introduced in the Yukon Legislature. The policy responds to the many concerns raised in the *A Cappella North* report, released by the Women's Directorate in 1995, by providing guidelines that promote gender equity in all aspects of the school system. The areas addressed include curriculum, teaching practices, student and teacher relations, as well as school and community relations.
1117. As a follow-up to the release of the policy, a Steering Committee was formed to ensure that the policy would be implemented in an effective and timely manner. The implementation committee consisted of members from the Women's Directorate, Department of Education, Victoria Faulkner Women's Centre, Yukon Teachers Association, Yukon College Women's Studies, Les EssentiElles, and representatives from Yukon school councils and boards. The Steering Committee developed a draft implementation plan framework which included a consultation process involving the various stakeholders which built a comprehensive action plan for the implementation and monitoring of the gender equity policy in all Yukon schools. Pilot projects to assist in the implementation was the next step, which required contacting four



schools (Hidden Valley School, St. Elias Community School, Watson Lake Secondary School, and Porter Creek Secondary), and assisting in the creation of Gender Equity teams.

1118. During 1998, a draft version of a *Readers' Guide to the Gender Equity in the Public Schools Policy* was developed by the Women's Directorate with approval by the Committee. In April 1999 the final version of *It All Adds Up* was released.
1119. In 1997, the Directorate sponsored Yukon Educational Theatre to tour rural communities to conduct conflict resolution workshops for elementary students throughout Yukon.
1120. In 1995, the Directorate cosponsored Act Out Theatre for a play dealing with the issue of family violence, and in 1996, it cosponsored the Theatre for a play dealing with the issue of gender equity. Both plays were written for and acted by youth.
1121. In 1995, a Yukon Curriculum Review on Gender Bias was prepared and distributed to schools, teachers and administrators.
1122. The Yukon Equity Project, a community-based committee, held a training retreat for adult facilitators in the spring and brought 40 youth together in November 1995, for a four-day retreat. The young women worked with female facilitators while the young men worked with male facilitators, and on the fourth day they met together to work on gender equity issues. From this project, the youth developed action plans which they have continued to work on in their own schools.
1123. Many Yukon schools now have Yukon School Improvement Plans which target gender and social equity issues. More schools will be assisted in developing these on a needs basis.
1124. In 1997, the Directorate worked with the Department of Justice, Partners in Children, and others on developing a workshop for divorcing and separating parents. From these discussions (and based in part on a similar program from Manitoba), the "For the Sake of the Children" program was established.
1125. The Task Force to Promote Safe Schools report was released in May of 1996 and contained 11 recommendations which were accepted and adopted by the Department of Education.
1126. The Department of Education has a Safe Schools Coordinator whose role it is to provide information and advice to students and staff in the area of discrimination towards women, as well as the broader problems related to safe schools.
1127. "SAFE TEEN" returned to Whitehorse in 1996 to present workshops in four Whitehorse secondary schools, a self-defence workshop for women, a workshop for men on men's

violence, and a workshop for teachers and parents. The group also returned to Dawson City to present a number of workshops and public lectures.

## **Article 11: Employment**

1128. The Department of Health and Social Services recently established the Professional Development Fund to provide financial assistance to health and social workers and to volunteers to advance their skills in the areas of health and social services. The Department has also established a Nursing Bursary to encourage people to take training in the nursing field.
1129. In October, 1994, the Yukon government implemented an Employment Equity Policy and continues to follow employment practices including: increased training in areas of non-traditional occupations, preferences on competitions in areas where there is under-representation, elimination of systemic barriers when preparing recruitment packages, use of temporary assignments, continual education of government employees respecting employment equity.
1130. In 1997-98, the Department of Health and Social Services added an additional \$880,000 in funding to the Child Care Subsidy Program, an increase of 8 percent, for a total of \$3.5 million. This subsidy assists low-income families in accessing child care facilities. In 1999, the Department also added an additional \$350,000 to the Direct Operating Grant for licensed child care facilities, for a total of \$1.57 million, to assist with the ongoing costs of operation and to help reduce user fees.
1131. In 1998, a Letter of Understanding was jointly signed by the Yukon Government and the Public Service Alliance of Canada (PSAC) to provide for an expedited workplace harassment grievance adjudication process. An investigator was jointly selected by union and management representatives to mediate or conduct investigations of complaints, prepare fact-finding reports and provide in-service training to employees, management and union representatives on workplace harassment prevention and resolution. Sexual harassment, personal harassment and abuse of authority are the three areas of harassment prohibited by the PSAC collective agreement and the employer's Workplace Harassment Policy.

## **Article 12: Health**

1132. The Yukon Government is actively participating in the Social Union negotiations and working with other levels of government to deliver health care, education and social services. Yukon is presently chair of the Advisory Committee on Health Services.

1133. Whitehorse General Hospital, with the assistance of the Department of Health and Social Services, is purchasing a new improved mammography machine which will assist in the early detection of breast cancer.
1134. The Children's Drug and Optical program was introduced in 1998, to assist low-income families with the cost of prescription drugs, eye exams and eyeglasses for children 18 years of age and younger.
1135. The Children's Dental Program has been enhanced to provide additional services to all Yukon school children.
1136. The Healthy Families Initiative reaches out to young parents and parents at risk by promoting positive parenting and child rearing practices.
1137. A Midwifery Planning Group has been established to discuss midwifery and work with the Department of Health and Social Services in establishing legislation related to the practice of midwifery.
1138. A Reproductive Health Coordinator is working within the Department of Health and Social Services to provide information on family planning, sexually transmitted disease prevention, prenatal/postnatal health, early disease identification (e.g., breast self-examination) and menopause.
1139. Expectant mothers from outlying communities who must travel to Whitehorse to await the birth of their child are able to receive assistance with accommodation through Hospitality House (Rotary House). A hostel program at Whitehorse General Hospital is also available to clients and their caregivers who are directly involved with the services available at the hospital.
1140. In the fall of 1998, the Yukon Government passed amendments to the *Limitation of Actions Act*. These amendments recognized the plight of survivors of sexual abuse and their intense need for healing — by removing the time restrictions in matters of sexual abuse so that survivors can take action at any time. The amendments also apply to minors who suffered sexual assault or sexual misconduct in childhood. Moreover, the amendments provide for a transition phase that may serve to revive "time-expired" claims — provided the right to bring these claims was never prohibited in the first place.



## Article 13: Economic and Social Life

1141. The Yukon Government has introduced two major anti-poverty initiatives that make more disposable income available to Yukon families and individuals who need it most. The Yukon Child Benefit is a direct, monthly cash payment for lower income Yukon families with children under 18 years of age. There is no tax on these benefit payments, and they are not counted as income for the purpose of determining social assistance. The Yukon Low Income Family Tax Credit is a non-refundable, personal income tax credit which will reduce the Yukon income tax that low-income Yukoners pay. This measure targets taxpayers with net incomes of less than \$25,000.
1142. The Kid's Recreational Fund was established by the Yukon Government to enable children and youth, whose families are experiencing financial hardship, to actively participate in organized recreational programs. Funding is available to help cover registration fees, equipment and supplies for organized sports, arts, cultural, recreational and social activities.
1143. In 1996, the Directorate worked in collaboration with Sports and Recreation to address the issue of harassment in sports. Changes to Community and Transportation's *Yukon 2000* report were included to address the issues of gender and harassment.
1144. The *Maintenance and Custody and Enforcement Act* provides for an order of a court in or outside Yukon for payment of monies as maintenance or support. The *Reciprocal Enforcement of Maintenance Orders Act* provides for the enforcement of a reciprocal enforcement order in another province, state or country. Yukon currently operates reciprocal enforcement with all Canadian provinces and territories, and with 30 U.S. states and other countries.
1145. This Act was amended and passed in 1998 and proclamation is expected in the fall of 1999. The amendments included new enforcement measures enabling the government to:
- apply writs of garnishment or writs of seizure and sale against a corporation in which the respondent/debtor is the sole shareholder or has a controlling interest or his/her immediate family controls the corporation
  - remove the 30-day hold on garnished funds, except where a third party has an interest in the money
  - provide for orders against a respondent to be enforceable against the respondent's/debtor's trade or business name or against a respondent's/ debtor's share of a partnership

- remove the limitation period of 10 years on the collections of arrears
- extend the life of garnishments from one year to until withdrawn by the director of maintenance enforcement

## **Article 14: Rural Women**

1146. In 1996-97, the Family Violence Shelter funding policy was established to provide stable funding to shelters in the outlying communities. These shelters offer safe homes, referral and follow-up services to abused women.
1147. The Department of Health and Social Services has increased funding and expanded mental health services in rural communities to meet both clinical and training needs for rural communities.
1148. Increased funding has been provided to the Child Abuse Treatment Service to provide clinical services for abused children and their family members in rural communities.
1149. In 1996-97, the Department of Health and Social Services provided an increase in child care services to support licensing of rural child care spaces.
1150. Since 1997, the Department of Health and Social Services has contributed \$30,000 per year to the "Food for Learning" school nutrition program. Schools in rural Yukon actively participate in this program which provides nutritious lunches and snacks for those students in need.
1151. In 1998-99, the Department of Health and Social Services introduced the community telemedicine project in three rural communities. Through this program, health care workers in these communities can capture static or video images and transmit them electronically to Whitehorse General Hospital for clinical diagnosis by medical personnel. Telemedicine offers the potential for improving the quality of life of people in rural Yukon by making a wider range of diagnosis and treatment options available closer to their home.
1152. In 1997, the Department of Health and Social Services established the Health Partnership Committee to work with communities and First Nation Health Directors to develop preventive health and social programs for rural Yukon.





















